DATABASE 2012-2024 ON ANTI-MUSLIM HATRED

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Belgium	2017	Belgium / CJEU - C-157/15 / Judgment / Samira Achbita and Centrum voor gelijkheid van kansen en voor racismebestrijding v G4S Secure Solutions NV	http://curia.europa.eu/juris/liste.jsf?num=C-157/15	Religion	European Court of Justice	The case concerns G4S' dismissal of S.A. because of her refusal to remove her Islamic headscarf. S.A., a Muslim, was employed by G4S at a time when the company had an unwritten rule that prohibited employees from wearing visible signs of their political, philosophical or religious beliefs in the workplace. Several years later G4S approved the rule. After this, Ms Achbita was dismissed because she refused to comply with the rule not to wear the Islamic headscarf at work. The Court concluded that the prohibition of wearing an Islamic headscarf does not constitute direct discrimination based on religion or belief within the meaning of the directive.	The Court therefore found that there was no direct discrimination, whilst emphasising that the national court hearing the case has sole jurisdiction to determine whether, and to what extent, the internal rules meet the criteria of the directive.	The Court of Justice found that G4S's internal rule refers to the wearing of visible signs of political, philosophical or religious beliefs and therefore covers any manifestation of such beliefs without distinction. The rule thus treats all employees of the undertaking in the same way, notably by requiring them, generally and without any differentiation, to dress neutrally. It is not evident from the material in the file available to the Court that that internal rule was applied differently to Ms Achbita as compared to other G4S employees. Accordingly, such an internal rule does not introduce a difference of treatment that is directly based on religion or belief, for the purposes of the directive.	The concept of a blanket ban on religious clothing does not constitute direct discrimination, however, it could constitute indirect discrimination if it puts members of a certain religion at a particular disadvantage unless it is justified by a legitimate aim that is appropriate and necessary.	"Article 2(2)(a) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation must be interpreted as meaning that the prohibition on wearing an Islamic headscarf, which arises from an internal rule of a private undertaking prohibiting the visible wearing of any political, philosophical or religious sign in the workplace, does not constitute direct discrimination based on religion or belief within the meaning of that directive."

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