

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
France	2017	CEJU, C-189/15, J. Bougnoul v. Micropole SA	http://curia.europa.eu/juris/document/document.jsf?docid=188853&doclang=en&mode=lst&id=6&occ=first&part=1&cid=237614	Religion	Court of Justice (Grand Chamber)	The case concerns the Micropole Univers SA's ('Micropole') dismissal of Ms Bougnoul because of her refusal to remove her Islamic headscarf when she was sent on assignment. Ms Bougnoul considered the dismissal to be discriminatory. The Tribunal ordered Micropole to pay compensation in respect of her period of notice, because it had failed to indicate in its letter of dismissal the gravity of Ms Bougnoul's alleged misconduct, and dismissed the remainder of the action on the ground that the restriction of Ms Bougnoul's freedom to wear the Islamic headscarf was justified by her contact with customers of that company and proportionate to Micropole's aim of protecting its image and of avoiding conflict with its customers' beliefs.	The Court ruled that Article 4(1) 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 willingness of an employer to take account of the wishes of a customer no longer to have a worker wearing an Islamic headscarf cannot be considered a genuine and determining occupational requirement within the meaning of that provision.	According to the Court, it is only in very limited circumstances that a characteristic related, in particular, to religion may constitute a genuine and determining occupational requirement. Such a characteristic may constitute only by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out. Consequently, the willingness of an employer to take account of the wishes of a customer no longer to have a worker wearing an Islamic headscarf cannot be considered a genuine and determining occupational requirement within the meaning of that provision.	The concept of a genuine and determining occupational requirement, within the meaning of that provision, refers to a requirement that is objectively dictated by the nature of the occupational activities concerned or of the context in which they are carried out. It cannot, however, cover subjective considerations, such as the willingness of the employer to take account of the wishes of a particular customer of the customer.	"Consequently, the answer to the question put by the referring court is that Article 4(1) of Directive 2000/78 must be interpreted as meaning that the willingness of an employer to take account of the wishes of a customer no longer to have a worker wearing an Islamic headscarf cannot be considered a genuine and determining occupational requirement within the meaning of that provision."

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