

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	France / Court of Cassation (ECLI:FR:CCASS:2017-5002484)	https://www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&iqTexte=JURITEXT000036089997&fastReql=11396672895&fastPos=1	Religion	Court of Cassation	Ms. Y. a design engineer, was dismissed for misconduct for refusing to remove her Islamic headscarf when she worked in the company's corporate clients' offices. The employee brought an action before the labour court challenging her dismissal and claiming that it constituted a discriminatory measure on the grounds of her religious beliefs. The Paris Court of Appeal said that her dismissal was based on real and serious grounds.	The Court of Cassation quashed and annulled the judgment of the Paris Court of Appeal which found that the dismissal was based on real and serious grounds. It restored the case and the parties to the state they were in before the said judgment and referred them to the Court of Appeal of Versailles.	The internal regulations did not include any neutrality clause prohibiting the wearing of any visible political, philosophical or religious signs in the workplace. The ban on the employee wearing the Islamic headscarf during her contacts with clients resulting only from a verbal order given to an employee and targeting a specific religious sign constitutes discrimination directly based on religious convictions.	A verbal order given to an employee to no longer wear the Islamic headscarf during her contacts with clients constitutes discrimination on the basis of religious beliefs.	"Qu'en statuant ainsi, alors qu'il résultait de ses constatations qu'aucune clause de neutralité interdisant le port visible de tout signe politique, philosophique ou religieux sur le lieu de travail n'était prévue dans le règlement intérieur de l'entreprise ou dans une note de service soumise aux mêmes dispositions que le règlement intérieur en application de l'article L. 1321-5 du code du travail et que l'interdiction faite à la salariée de porter le foulard islamique dans ses contacts avec les clients résultait seulement d'un ordre oral donné à une salariée et visant un signe religieux déterminé, ce dont il résultait l'existence d'une discrimination directement fondée sur les convictions religieuses, et alors qu'il résulte de l'arrêt de la Cour de justice en réponse à la question préjudicielle posée que la volonté d'un employeur de tenir compte des souhaits d'un client de ne plus voir les services dudit employeur assurés par une salariée portant un foulard islamique ne saurait être considérée comme une exigence professionnelle essentielle et déterminante au sens de l'article 4, § 1, de la directive du 27 novembre 2000, la cour d'appel a méconnu la portée des textes susvisés." "That, in so ruling, while it resulted from its findings that no neutrality clause prohibiting the wearing of any visible political, philosophical or religious signs in the workplace was provided for in the company's internal regulations or in a memorandum subject to the same provisions as the internal regulations pursuant to Article L. 1321-5 of the Labour Code and that the ban on the employee wearing the Islamic headscarf during her contacts with clients resulted only from a verbal order given to an employee and targeting a specific religious sign, which resulted in discrimination directly based on religious beliefs, and while it follows from the judgment of the Court of Justice in response to the preliminary question referred that an employer's wish to take account of a client's wishes to no longer have the services of that employer provided by an employee wearing an Islamic headscarf cannot be regarded as an essential and determining professional requirement within the meaning of Article 4(1) of the Directive of 27 November 2000, the Court of Appeal has failed to recognise the scope of the abovementioned texts."

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