

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
Sweden	2018	Sweden / Labour Court 6:46-2017	https://www.arbetsdomstolen.se/cv/meddelade-domar/arkiverade-domar/2018-08-15-ad-2018-nr-51/?utm_source=chatgpt.com	Religion	Labour Court (Arbetsdomstolen)	The court found it unlawful to end a recruiting process with a woman because the fact that she did not want to shake hands with a male manager. The proportional penalty was to economically compensate the plaintiff for the discrimination. The plaintiff, F.A. represented, by the Equality Ombudsman, applied for an opening as interpreter. During an recruiting interview, F.A. did not shake hands with a male representative of the company, with referral to her religious beliefs. As a result, the interpretation company immediately aborted the recruitment process. The company later claimed they had a policy that says all employees must shake hands with everyone. The case concerning whether F.A. had been exposed to indirect discrimination was processed by the Labour Court.	The Court found the interpretation company guilty of indirect discrimination. The company had to pay the legal costs of the Equality Ombudsman (Diskrimineringsombudsmannen) who pleaded F.A.'s case. Furthermore, the company had to pay F.A. an adequate compensation for the discrimination.	The plaintiff (F.A.) claimed that she was discriminated against when a job interview was terminated as a result of her not shaking hands with a male manager with reference to her religious beliefs. The shag god tolked. Into interpretation persons of the opposite sex is their right as of article 9 in the European Convention. According to the Labour Court, "certain religions" as mentioned in the Discrimination Act, must be considered to include at least such religious manifestations which are protected by article 9 in the European Convention. Consequently, the Labour Court's position on what kind of religious expressions that can be considered protected by Swedish law is different here than in the case above - processed only a couple of months later.	The Labour Court concluded that F.A.'s refusal to shake hands with persons of the opposite sex is her right as of article 9 in the European Convention. According to the Labour Court, "certain religions" as mentioned in the Discrimination Act, must be considered to include at least such religious manifestations which are protected by article 9 in the European Convention. Consequently, the Labour Court's position on what kind of religious expressions that can be considered protected by Swedish law is different here than in the case above - processed only a couple of months later.	"Sammantaget finner Arbetsdomstolen att Semantix policy inte är lämplig och nödvändig för att säkerställa att arbetssökande lever upp till det krav på jämställt agerande i arbetslivet som bolaget uppställer, eller till följd av sin syn på relationen mellan män och kvinnor orsakar hinder eller svårigheter i arbetet eller för verksamheten. Domstolen beaktar även att en sådan policy som Semantix upprätthåller är ägnad att utesluta personer som gör samma tolkning av islam som F.A., från delar av arbetsmarknaden. I målet har överopats ett uttalande av professor C.W. om förhållandet mellan god tolkesed, tolkars neutralitetsprincip och religiösa symboler och uttryck. Hennes slutsats är att en tolk som av religiösa skäl hålls genom att lägga handen på hjärtat i stället för att handhälsa inte bryter mot neutralitetsprincipen enligt god tolkesed. Inte heller utredningen i övrigt ger stöd för att så skulle vara fallet. Sammanfattningsvis finner Arbetsdomstolen att Semantix policy inte är lämplig och nödvändig för att uppnå sina syften och att bolaget, genom att avbryta rekryteringsförfarandet, har utsatt F.A. för indirekt diskriminering." "All in all, the Labour Court finds that Semantix's policy is neither appropriate and necessary to ensure that job applicants live up to the requirement for equality-based behaviour at the workplace, set by the company nor to ensure that the relationship between men and women does not cause obstacles or difficulties at work or for the company. The Court also takes into account that such a policy as Semantix is aimed to exclude persons, who interprets Islam in the same manner as F.A., from the labour market. A statement made by professor C.W. was made in the case concerning the relationship between good interpretive practices, the principle of interpreter neutrality and religious symbols and expressions. Her conclusion was that interpreters who, for religious reasons, greet others by placing their hand on their heart instead of shaking hands do not violate the principle of neutrality according to the code of good interpretation. Nor does the investigation otherwise provide support for this position. In summary, the Labour Court finds that Semantix's policy is neither appropriate nor necessary in order to achieve its stated objectives and that, by interrupting the recruitment procedure, the company has exposed F.A. to indirect discrimination."

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