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
Sweden	2019	Sweden / Administrative Court of Linköping (Förvaltningsrätten i Linköping) / Case number: 7960-18	https://www.domstol.se/nyheter/2019/03/skogsrojning-i-kjol-godtas-inte/	Religion	Förvaltningsrätten i Linköping (Administrative Court of Linköping)	A woman was assigned a work placement at the Swedish Forest Agency (Skogsstyrelsen), and accepted it, as part of the so-called job and development guarantee programme – a labour market measure introduced for persons who have been unemployed for a long period of time. The work included the use of chainsaws and brush saws along nature trails and railways. For religious reasons, the intern refused to work in trousers (or without wearing a skirt). Consequently, she refused to use the protective trousers that are required for performing the job. The Swedish Public Employment Agency (Arbetsförmedlingen) decided to refuse her to participate in the job and development guarantee programme, and she was also refused the allowance persons who participate in the programme receive. The woman appealed the authority's decision to Linköping Administrative Court (Förvaltningsrätten i Linköping) arguing that the decision constituted discrimination. She wished to return to her work placement and receive discrimination compensation (diskrimineringsersättning) and damages. The woman was represented by a local anti-discrimination bureau. The Administrative COurt dismissed the case.	The case was dismissed as was the injured party's requests.	The court found that the Swedish Forest Agency's demand that the woman should wear the available protective clothing when performing the work in question was motivated by safety reasons. This is also defined in the Swedish Work Environmental Agency's regulations (AFS 2012:1) in relation to the usage of chainsaws and brush saws. Consequently, to demand the carrying of protective trousers - and not allow skirts when performing such tasks are in compliance with generally accepted safety regulations. A person who does not follow the regulations – for religious reasons or for any other reason – cannot be allowed to perform the work in question. According to the Administrative Court, the Swedish Public Employment Agency was within its right to act as they did.	The case clarifies that the right to wear certain religious motivated clothes does not overrule the requirement to wear protective workwear when this is required for a certain job.	"H.O:s praktik hos Skogsstyrelsen innebar arbete med röj- och motorsåg. Enligt förvaltningsrättens mening står det klart att kravet på viss klädsel i samband sådant arbete motiveras av säkerhetsskäl (jfr. bl.a. Arbetsmiljöverkets föreskrifter AFS 2012:1 om användning av motorkedjesågar och röjsågar). Det framstår således som av säkerhetsskäl sakligt motiverat att dels ställa krav på att bäraH.O:s praktik hos Skogsstyrelsen innebar arbete med röj- och motorsåg. Enligt förvaltningsrättens mening står det klart att kravet på viss klädsel i samband sådant arbete motiveras av säkerhetsskäl (jfr. bl.a. Arbetsmiljöverkets föreskrifter AFS 2012:1 om användning av motorkedjesågar och röjsågar). Det framstår således som av säkerhetsskäl sakligt motiverat att dels ställa krav på att bära vissa skyddsbyxor, dels att inte tillåta användning av kjol. En person som inte följer dessa krav – oavsett om skälet för detta är religion eller annat – kan inte tillåtas utföra sådant arbete." "H.O's work placement at the Swedish Forest Agency implies the use of brush saws and chainsaws. According to the court, it is clear that the requirement of certain clothing in connection with such work is motivated by safety reasons (see for example the Work Environment's Agency' regulations AFS 2012:1 on the usage of chainsaws and brush saws). Accordingly, it appears to be objectively justified to both demand the wearing of certain protective trousers, and not allow the wearing of a skirt. A person who do not follow these requirements – regardless of whether the reason for this is religion or something else – cannot be allowed to perform such work."

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