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	2023	Belgium / Labour court / 21/566/A	https://www.unia.be/nl/wetgeving-en-rechtspraak/rechtspraak/arbeidsrechtbank-waals-brabant-afdeling-wavre-25-april-2023	Religion	Labour Court (arbeidsrechtbank)	The applicant, who was a director at an inter-communal association, was dismissed because he had posted a racist, hateful and stigmatising comment on Facebook under a publication of the "Vlaams Belang - Nos Gens d'Abord'. A few months before, he had already received a written warning for sending e-mails to employees of the intermunicipal company with racist, xenophobic and hateful content. The applicant challenges the circumstances of his dismissal, arguing the accusations and penalties against him were disproportionate and possibly driven by personal conflicts and bias from his former employer.	The Labour Court ruled that while the applicants claim is legally admissible, it is not fully upheld. The court recognized his right to certain compensations, though not to the extent he initially demanded. After reviewing the allegations and evidence, the court determined that the dismissal for serious reasons was justified. As a consequence the applicant will only receive compensation for specific contractual obligations and legal costs.	The labour court referred to articles 16 and 17 in the Labour Contracts Law and articles 1382 of the Civil Code, which allow for restrictions on employees' freedom of expression and impose a responsibility in exercising that freedom. The director's conduct was found to violate the Antiracism Law. The court considered several factors: the comment stigmatized the Muslim community, it was made publicly, followed a previous disciplinary sanction for similar behavior, the man showed no remorse and threatened his employer, and he had given the comment significant thought. The company's corporate culture did not tolerate racism, the court rejected the argument that the comment was meant as a joke, stating that humor cannot justify racist remarks.	The applicant showed no remorse and defended his actions during the hearing. The court rejected his arguments, including claims of a conspiracy against him, due to a lack of evidence. His behavior violated laws against racism and xenophobia, as well as employment obligations, and resulted in an irreparable breakdown of trust with the employer. The dismissal was therefore deemed justified.	"Monsieur (...), adulte et nanti d'une longue expérience au sein d'une société publique, pouvant se prévaloir d'un bagage académique certain, savait ou devait savoir que son commentaire public, sous une publication raciste d'un parti d'extrême droite, constituait une faute à ce point grave qu'elle entrainerait la rupture immédiate de son contrat de travail." "Mr (...), an adult with many years' experience in a public company and with a certain academic background, knew or ought to have known that his public comment, under a racist publication by an extreme right-wing party, constituted such a serious offence that it would result in the immediate termination of his employment contract, especially as he had been warned of the unacceptable nature of his comments."

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