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
Ireland	2023	Ireland / Workplace Relations Commission / Serdar Goksel Sen v Specialised Air Products Ltd ADJ-00043304	https://www.workplacerelations.ie/en/cases/2023/january/adj-00043304.html	Religion, Racial or ethnic origin	Workplace Relations Commission	The Complainant alleged that that he was discriminated against by reason of his religion and his race. He also claimed that the Respondent treated him unlawfully by discriminating against him in getting a job, in conditions of employment and that he was victimised. The Complainant alleged Mr. Bermingham made 'jokes' about the Complainant being of Muslim faith, made attempts to deport the Complainant and he described an incident where he was allegedly arrested for stealing his own car.	The WRC concluded that, due to the lack of a formal employment contract and the complainant's awareness of the work permit requirements, there was insufficient evidence to substantiate claims of discrimination. The failure to formalize the employment agreement and ensure legal work authorization reflects caselaw that non-national workers may face in asserting rights under EU non-discrimination protections without proper documentation. Hussein v. The Labour Court & Anor [2012] IEHC 364 held that a contract of employment with a non-national, absent the appropriate employment permit, is substantively illegal. The court emphasized that the reasons behind the employee's failure to secure a work permit are irrelevant to this illegality. The Employment Permits Acts 2003 to 2014 explicitly prohibit employers from hiring non-nationals without valid work permits.	The complainant, Serdar Goksel Sen, alleged discrimination based on religion and race by his employer, Specialised Air Products Ltd. Sen, a Turkish citizen, claimed he was promised employment and partnership but was exploited without proper remuneration or a valid work permit. The employer contended that Sen was aware of the legal requirements for employment and that any work performed was voluntary pending permit approval. The Workplace Relations Commission (WRC) examined whether the treatment constituted discrimination under the Employment Equality Acts.	Key issues clarified include the definition of an employment relationship in the absence of a formal contract or work permit, the obligations of employers towards non-national workers awaiting permit approval, and the applicability of anti-discrimination protections during such interim periods. The case also explores the extent to which verbal agreements and expectations can establish employment rights under EU non-discrimination law.	"the Complainant also asserted that Mr. Bermingham started to make jokes about the Complainant's religion around the time when the Complainant returned to his own country to have his son circumcised. The Complainant said in his submission that during summer of 2021 Mr. Bermingham went "beyond the line". He further asserted that on the New Year's night of 2021, the Complainant and his friends and Mr. Bermingham and his friends were in the workshop and Mr. Bermingham made racist jokes, so they had to leave the warehouse. [...] At the adjudication hearing, the Complainant confirmed that he did not have a work permit at the relevant time. He said that Mr. Bermingham was always joking about his religion, he said that there are "hundreds of examples", however, he could not provide any specifics. He said that at some stage Mr. Bermingham called his little son a "Turkish bastard". He said that Mr. Bermingham has many Gardaí friends, and he told the Complainant that he would have him deported."

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