

Employers can ban workers from wearing Islamic headscarves, rules EU court

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Luxembourg: In a first of its kind decision, the European Union's top court ruled on Tuesday that employers may bar staff from wearing visible religious symbols. The court's order came during a hearing on the issue of women wearing Islamic headscarves at work.

The European Court of Justice (ECJ) said it does not constitute "direct discrimination" if a firm has an internal rule banning the wearing of "any political, philosophical or religious sign."

On the eve of a Dutch election in which Muslim immigration has been a key issue and a bellwether for attitudes to migration and refugee policies across Europe, the ECJ gave a joint judgement in the cases of two women, in France and Belgium, who were dismissed for refusing to remove headscarves.

"An internal rule of an undertaking which prohibits the visible wearing of any political, philosophical or religious sign does not constitute direct discrimination," Reuters quoted the court's statement as saying.

"However, in the absence of such a rule, the willingness of an employer to take account of the wishes of a customer no longer to have the employer's services provided by a worker wearing an Islamic headscarf cannot be considered an occupational requirement that could rule out discrimination," the statement read further.

Earlier in May 2016, a senior adviser to the ECJ had said that a European Union business may legitimately prohibit an employee from wearing a Muslim headscarf on the job, provided the ban is based on a general company rule prohibiting visible political or religious symbols in the workplace, and not on prejudice against a particular religion.

Advocate General Juliane Kokott had issued the opinion after a Belgian court asked for clarification on what is prohibited by EU anti-discrimination laws.

In the Belgian case, Samira Achbita was fired as a receptionist by a security company after she insisted she should be allowed to work wearing an Islamic headscarf.

Achbita has lost her discrimination lawsuit in two Belgian courts and is now before the country's Court of Cassation, which sought the EU court's opinion.

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