

---

## **Court of Justice of the European Union: ban on wearing religious or spiritual symbols in the workplace is not discrimination if generally applied**

Today, the Court of Justice of the European Union passed a ruling whereby “an internal rule of a company forbidding people from visibly wearing religious, philosophical or spiritual symbols is not direct discrimination if generally and indiscriminately applied”. The case submitted to the Court dates back to 2018: an application for an internship in a Belgian company that runs council houses (Scrl) from a Muslim woman wearing a headscarf at her interview was not taken into consideration because the woman was not willing to take off her headscarf to comply with the neutral policy laid down in the company’s regulations. The applicant had also been denied use of other head coverings, since the company did not allow anyone to wear any head covering. According to the woman, that was a case of discrimination, so she contacted the Belgian public authority in charge of supervising discrimination, then the Brussels’ Labour Court, and then the EU Court, which said today: a company’s regulations may “forbid employees to show, either verbally, with their clothes or in any other way, religious or philosophical beliefs of any kind”, provided such rule is equitably applied. However, it will be up to the Labour Court to find out whether such regulations are discriminatory as they actually involve “a specific disadvantage for people who embrace a specific religion or ideology”.

Valentina Bombelli