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NEWS REPORT

Country:	France
Title:	Court of cassation referral to the CJEU of 9 April 2015 (n° 13-19855)
Date:	13 April 2015
Expert:	Sophie Latraverse
Context	
Issue at stake:	Can a rule of religious neutrality forbidding the wearing of the Islamic Veil qualify as determining occupational requirements related to a commercial context
Ground of discrimination:	Religion
Source:	Social Chamber of the Court of Cassation
Field:	Employment
Applicable law:	Article 4 §1 of directive 2000/78, Articles 9 and 14 ECHR, Article 18 of the International Covenant on Civil and Political Rights, Articles L1121-1, 1121-3, 1132-1 of the Labour Code.

Content

Case: Plaintiff was hired as a computer engineer. An important client informed the employer that Plaintiff was working on site wearing an Islamic veil which made the client's employees very uncomfortable. The Client requested that further services be assured by an employee who would not wear the Islamic veil.

Plaintiff was informed at the time of being hired that whenever she would be in contact with clients, she would be required not to wear her veil in order to remain neutral towards the opinions of clients.

She was dismissed for the sole reason of her refusal to remove her Islamic Veil.

Decision of the Court: Plaintiff's claim for discriminatory dismissal on the ground of religion was dismissed by the Labour court and the Paris Court of Appeal.

Before the Court of cassation, Plaintiff alleged that restrictions to religious freedom must be justified by the nature of the work and be required as a determining occupational requirement and that the fact of wearing an Islamic veil when working in the private sector does not violate the rights or beliefs of others, and that the discomfort of persons toward the Islamic veil does not qualify as a non-discriminatory reason justifying a limitation on Plaintiff's religious freedom. Therefore, she argued that the Court of Appeal of Paris has violated Articles L. 1121-1, L. 1321-3 and L. 1132-1 of the Labor Code, Articles 9 and 14 ECHR and Article 18 of the International Covenant on Civil and Political Rights. Given that the CJEU has not yet decided whether private clients' desire not to be served by persons wearing an Islamic Veil qualify as determining occupational requirement

related to the nature or the conditions of performance of the working contract, the Court refers the question to the CJEU.

Internet link source:

https://www.courdecassation.fr/jurisprudence_2/chambre_sociale_576/630_9_31521.html