

# *Top EU court rules hijab can be banned at work*

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**Refugees sit in a bus after they arrive at the main railway station in Munich, southern Germany, September 7, 2015 [File: Christof Stache/AFP]**

Luxembourg, July 15 (RHC)-- The European Union's top court has ruled that employers may forbid the wearing of visible symbols of religious or political belief, such as headscarves. But the Luxembourg-based tribunal said in its ruling on Thursday that courts in the bloc's 27 member states should weigh up whether the ban corresponded to a "genuine need" on the part of the employer. They must also consider the rights and interests of the employee, including by taking into account national legislation on freedom

of religion, it said.

“A prohibition on wearing any visible form of expression of political, philosophical or religious beliefs in the workplace may be justified by the employer’s need to present a neutral image towards customers or to prevent social disputes,” the court said.

“However, that justification must correspond to a genuine need on the part of the employer and, in reconciling the rights and interests at issue, the national courts may take into account the specific context of their Member State and, in particular, more favourable national provisions on the protection of freedom of religion.”

The case was brought to court by two women in Germany who were suspended from their jobs after they started wearing hijab, a headscarf worn by many Muslim women who feel it is part of their religion.

Both Muslim women – a special need carer at a childcare centre in Hamburg run by a charitable association, and a cashier at the Mueller pharmacy chain – had not been wearing headscarves when they started in their jobs, but decided to do so years later after coming back from parental leave.

They were told by their respective employer that this was not allowed, and were at different points either suspended, told to come to work without it or put on a different job, court documents show.

The issue of the hijab has sparked controversy across Europe for years and underlined sharp divisions over integrating Muslims. In a 2017 ruling, the European Union court in Luxembourg had already said that companies may ban staff from wearing headscarves and other visible religious symbols under certain conditions. At the time, this had sparked a huge backlash among faith groups.

More than five million Muslims live in Germany, making them the largest religious minority group there. Headscarf bans for women at work have been a hotly contested issue in Germany for years, mostly with regard to aspiring teachers at state schools and trainee judges. This has not so far been a major theme in the campaign for this year’s legislative elections.

Elsewhere in Europe, courts have also had to look into where and how headscarves can sometimes be banned at work. France’s top court upheld in 2014 the dismissal of a Muslim daycare worker for wearing a headscarf at a private creche that demanded strict neutrality from employees. France, home to Europe’s largest Muslim minority, prohibited the wearing of Islamic headscarves in state schools in 2004.

However, Austria’s constitutional court has ruled that a law there banning girls aged up to 10 from wearing headscarves in schools was discriminatory.

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