



Political Affairs Digest

A daily summary of political events affecting the Jewish Community

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Other Relevant Information

Court of Justice of the European Union

Judgment of the Court of Justice in Case C-344/20 | SCRL (Religious clothing)

... A dispute has been ongoing since 2018 between L.F., a woman of the Muslim faith who wears the Islamic headscarf, and SCRL, a company which manages social housing. The dispute concerns a failure to take into consideration L.F.'s unsolicited application for an internship on the ground that, during an interview, L.F. indicated that she would refuse to remove her headscarf in order to comply with the policy of neutrality promoted within SCRL and included in its terms of employment. A few weeks later, L.F. renewed her request for an internship with SCRL, offering to wear another type of head covering; that request was refused on the ground that no type of head covering was permitted ... Consequently, L.F. reported a case of discrimination ...

The tribunal du travail francophone de Bruxelles has questioned the Court of Justice as to whether the words 'religion or belief' contained in the directive on equal treatment in employment and occupation are to be interpreted as two facets of a single protected criterion or, on the contrary, as two separate criteria. It also asks the Court whether the prohibition on the wearing of a sign or an item of clothing with connotations contained in SCRL's terms of employment constitutes direct discrimination based on religion. ...

... the Court indicates that Article 1 of Directive 2000/78 must be interpreted as meaning that the words 'religion or belief' contained therein constitute a single ground of discrimination covering both religious belief and philosophical or spiritual belief. ...

... the Court observes that a provision of an undertaking's terms of employment which prohibits workers from manifesting, through words, through clothing, or in any other way, their religious or philosophical beliefs, whatever those beliefs may be, does not constitute, with regard to workers who intend to exercise their freedom of religion and conscience through the visible wearing of a sign or an item of clothing with religious connotations, direct discrimination 'on the [ground] of religion or belief' for the purposes of EU law, provided that that provision is applied in a general and undifferentiated way. Indeed, since every person may have a religion or religious, philosophical or spiritual belief, such a rule, provided that it is applied in a general and undifferentiated way, does not establish a difference in treatment based on a criterion that is inextricably linked to religion or to those beliefs. The Court specifies that an internal rule such as that applied within SCRL may,

however, constitute a difference in treatment that is indirectly based on religion or belief if it is established – which it is for the tribunal du travail francophone de Bruxelles to ascertain – that the apparently neutral obligation it encompasses results, in fact, in persons adhering to a particular religion or belief being put at a particular disadvantage. It adds that a difference in treatment would not constitute indirect discrimination if it were objectively justified by a legitimate aim and the means of achieving that aim were appropriate and necessary, while at the same time recalling that the mere desire of an employer to pursue a policy of neutrality – while in itself a legitimate aim – is not sufficient, as such, to justify objectively a difference in treatment indirectly based on religion or belief, since such a justification can be regarded as being objective only where there is a genuine need ... Lastly, the Court notes that, when a national court is assessing whether there is justification for indirect discrimination, EU law does not preclude that national court from ascribing, in the context of balancing diverging interests, greater importance to those relating to religion or belief than to those resulting from, inter alia, the freedom to conduct a business, provided that such an approach stems from its domestic law. ...

To read the full press release see

<https://curia.europa.eu/jcms/upload/docs/application/pdf/2022-10/cp220167en.pdf>

The Directive referred to above can be read at

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0078&from=EN>

To read the full judgement (only available in French) see

<https://tinyurl.com/mwmytc2x>

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Relevant Legislation ** new or updated today

UK Parliament

Bill of Rights Bill

<https://bills.parliament.uk/bills/3227>

Education (Non-religious Philosophical Convictions) Bill

<https://bills.parliament.uk/bills/3186>

Higher Education (Freedom of Speech) Bill

<https://bills.parliament.uk/bills/2862>

Marriage Act 1949 (Amendment) Bill

<https://bills.parliament.uk/bills/3325>

Online Safety Bill

<https://bills.parliament.uk/bills/3137>

Palestine Statehood (Recognition) Bill

<https://bills.parliament.uk/bills/3217>

Private Burial Grounds and Cemeteries Bill

<https://bills.parliament.uk/bills/3188>

Universal Credit (Removal of Two Child Limit) Bill

<https://bills.parliament.uk/bills/3163>

Schools Bill

<https://bills.parliament.uk/bills/3156>

Scottish Parliament

Gender Recognition Reform (Scotland) Bill

<https://www.parliament.scot/bills-and-laws/bills/gender-recognition-reform-scotland-bill>

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The Scottish Council of Jewish Communities (SCoJeC) is Scottish Charitable Incorporated Organisation SC029438