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E-004278/2017  
Answer given by Ms Thyssen  
on behalf of the Commission  
(18.8.2017)

In its two judgments<sup>1</sup> of 14 March 2017 concerning the wearing of the Islamic headscarf at the workplace, the Court of Justice of the European Union (ECJ) did not establish a general rule allowing private employers to prohibit workers from wearing the headscarf at work in all circumstances.

Instead it ruled that such a prohibition may, depending on the specific facts of the case, constitute direct or indirect discrimination prohibited by Directive 2000/78/EC<sup>2</sup>. In its Bougnaoui judgment, the ECJ held that the willingness of an employer to take account of the wishes of a customer to no longer receive services from a worker wearing an Islamic headscarf cannot be considered a genuine and determining occupational requirement within the meaning of Article 4(1) of the Directive.

The two judgments, read together, establish a balance between the various fundamental rights and interests involved, in particular the freedom to manifest religion or belief, the freedom to conduct a business and the principle of non-discrimination (respectively Articles 10, 16 and 21 of the EU Charter of Fundamental Rights).

The Commission reiterates its strong attachment to diversity at work including through the promotion of Diversity Charters which **encourage companies to implement and develop diversity and equal opportunities policies** regardless of religion or belief, race or ethnic origin, gender, sexual orientation, age, or disability.

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<sup>1</sup> ECJ Judgments of 14 March 2017 in cases C-157/15 (Achbita), and C-188/15 (Bougnaoui).

<sup>2</sup> Council Directive 2000/78/EC, of 27 November 2000, establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).