

SUMMARY

ECJ 13 October 2022, case C-344/20 (SCRL (Religious clothing)), Religious discrimination

L.F. – v – S.C.R.L., Belgian case

Summary

According to the Court of Justice, religion and belief must be regarded as a single ground of discrimination, otherwise the general framework for equal treatment in employment and occupation provided for by EU law, in particular by Directive 2000/78, will be undermined.

Questions

Is Article 1 of Directive 2000/78/EC to be interpreted as meaning that the words ‘religion or belief’ contained therein constitute a single ground of discrimination or do those words refer to separate grounds of discrimination?

Is Article 2(2)(a) of Directive 2000/78/EC to be interpreted as meaning 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, philosophical or political beliefs, whatever those beliefs may be, constitutes, 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 that directive?

Is Article 1 of Directive 2000/78/EC to be interpreted as precluding provisions of national legislation, which are intended to ensure the transposition of that directive into national law and which are construed as meaning that religious, philosophical and political beliefs as constituting three separate grounds of discrimination, from being taken into account as ‘provisions which are more favourable to the protection of the principle of equal treatment

that those laid down in [that directive] for the purposes of Article 8(1) thereof?

Ruling

Article 1 of Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation 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.

Article 2(2)(a) of Directive 2000/78/EC must be interpreted as meaning 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 that directive, provided that that provision is applied in a general and undifferentiated way.

Article 1 of Directive 2000/78 must be interpreted as precluding provisions of national legislation, which are intended to ensure the transposition of that directive into national law and which are construed as meaning that religious belief and philosophical belief constitute two separate grounds of discrimination, from being taken into account as ‘provisions which are more favourable to the protection of the principle of equal treatment than those laid down in [that directive]’ for the purposes of Article 8(1) thereof.

Creator: European Court of Justice (ECJ)

Verdict at: 2022-10-13

Case number: C-344/20