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Judgment of the Court in Case C-148/22 | Commune d'Ans

Wearing of religious symbols in the workplace: a public administration may decide to prohibit all of its employees from wearing such signs

National courts examine whether the measures taken reconcile freedom of religion with the legitimate objectives underlying that prohibition

In order to put in place an entirely neutral administrative environment, a public administration may prohibit the visible wearing in the workplace of any sign revealing philosophical or religious beliefs. Such a rule is not discriminatory if it is applied in a general and indiscriminate manner to all of that administration's staff and is limited to what is strictly necessary.

An employee of the municipality of Ans (Belgium), who performs her duties as head of office primarily without being in contact with users of the public service, was prohibited from wearing an Islamic headscarf in her workplace. In the wake of that decision, the municipality amended its terms of employment, now requiring its employees to observe strict neutrality: any form of proselytising is prohibited and the wearing of overt signs of ideological or religious affiliation is prohibited for any worker, including those who are not in contact with the administered. The person concerned seeks a declaration that her freedom of religion has been infringed and that she has been the victim of discrimination.

Hearing the case, the tribunal du travail de Liège (Labour Court, Liège) is uncertain whether the rule of strict neutrality imposed by the municipality gives rise to discrimination contrary to EU law ¹.

The Court answers that the **policy of strict neutrality** which a public administration imposes on its employees with a view to establishing within it an entirely neutral administrative environment **may be regarded as being objectively justified by a legitimate aim**. Equally justified is another public administration's choice in favour of a policy authorising, in a general and indiscriminate manner, the wearing of visible signs of beliefs – philosophical or religious in particular – including in contacts with users, or a prohibition on the wearing of such signs limited to situations involving such contacts.

Each Member State, and any infra-State body within the framework of its competences, has a margin of discretion in designing the neutrality of the public service which it intends to promote in the workplace, **depending on its own context**. However, that objective must be pursued in a **consistent and systematic** manner, and the measures adopted to achieve it must be limited to what is **strictly necessary**.

It is for the national courts to verify that those requirements are complied with.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract](#) of the judgment are published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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¹ [Council Directive 2000/78/EC](#) of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.