



NEWS REPORT

Date: 11 February 2010
Expert: Rikki Holtmaat
Title: Court allows a penal deduction of welfare allowances for man who refuses to cut beard / shake hands with women
Country: The Netherlands

Context

Issue at stake: Welfare benefits
Ground of discrimination: of religion
Source: national court decision
Field: Employment – Social benefits
Legislative provisions: Article 9 and 18 *Wet Werk en Bijstand* (+/- Employment and Social Assistance Act), Article 6 Dutch Constitution (Freedom of Religion)

Content

Case law: The Administrative Court of Amsterdam, dealing with appeals in cases of welfare benefits decisions, upheld a decision of the local government of Amsterdam to reduce the welfare benefit of an unemployed person by 200 Euro because in its opinion the recipient had not complied with the obligation to do his utmost best to find a job. The man had applied for jobs, but was not appointed. In one case he had refused to cut his beard to a maximum length of 3-5 centimetres. It concerned a job as a security guard. In that case the employer had a reasonable ground to require the applicant to cut his beard to this length, because otherwise he could be grabbed at his beard by violent customers and his own safety would be at stake. In the second case he had said to the employer that he would refuse to shake hands with women. This concerned a job with a facility for the general public, organised and financed by the local council. Shaking hands with women could be required in such a job; i.e. this requirement is not an undue restriction of the freedom of religion. (See also Centrale Raad van Beroep, 7 mei 2009, LJV BI2440.) The freedom of religious expression may be limited by reasonable requirements to do everything possible to find paid work. By his refusals, the man had seriously damaged his opportunities to get paid work, i.e. to end the situation of being dependent on social assistance.

Internet link source and additional information:



Rechtbank Amsterdam 17 December 2009, published at:

<http://zoeken.rechtspraak.nl/resultpage.aspx?>

[snelzoeken=true&searchtype=ljn&ljn=BK7175&u_ljn=BK7175](http://zoeken.rechtspraak.nl/resultpage.aspx?snelzoeken=true&searchtype=ljn&ljn=BK7175&u_ljn=BK7175)