



NEWS REPORT

Date: 11 February 2010
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Title: Job refusal for man who wears a beard is direct discrimination on the ground of religion
Country: The Netherlands

Context

Issue at stake: Ministry of Justice discriminates on the ground of religion

Ground of discrimination: of Religion/belief

Source: Opinion of the Equal Treatment Commission

Field: Employment

Legislative provisions: Art. 5 Intro, sub a of the General Equal Treatment Act (AWGB)

Content

Case law: A man with a beard (approximately 1 cm length) applied for a job at the Immigration Office (Immigratie en Naturalisatie Dienst / IND), which resorts directly under the Ministry of Justice in the Netherlands. The man was asked whether the beard was an expression of his religious beliefs. Upon a positive answer, he was denied the job. The justification given for this was that the people seeking refuge in the Netherlands need to have a feeling that the officials who evaluate their applications are absolutely neutral, in terms of their religion or political beliefs. Therefore, it was deemed objectively justified not to appoint the bearded man for this function. The Equal Treatment Commission considered that since this is a case of direct discrimination on the ground of religion, there is only place for justifications which are allowed under the law. However, none of these has been brought forward by the Ministry. The ETC under scribes the necessity of having a neutral appearance. However, the Ministry wants to reach this goal by making very general assessments of applicants on the basis of their outer appearances, not on the basis of a genuine individual assessment of the applicant's real beliefs and attitudes. Therefore the Ministry is in breach of the Equal Treatment Law.

Internet link source and additional information:

ETC Opinion 2010/10, 21 January 2010.

To be found at <http://www.cgb.nl/node/15031/volledig>