

**Request for a preliminary ruling from the Tribunal du travail francophone de Bruxelles (Belgium)  
lodged on 27 July 2020 – L.F. v S.C.R.L.**

**(Case C-344/20)**

*Language of the case: French*

**Referring court**

Tribunal du travail francophone de Bruxelles

**Parties to the main proceedings**

*Applicant: L.F.*

*Defendant: S.C.R.L.*

**Questions referred**

Must Article 1 of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation <sup>1</sup> be interpreted as meaning that religion and belief are two facets of the same protected criterion or, on the contrary, as meaning that religion and belief form different criteria, on the one hand, that of religion, including the associated beliefs and, on the other, that of belief, whatever that belief may be?

If Article 1 of Council Directive 2000/78/EC of 27 November 2000 is to be interpreted as meaning that religion and belief are two facets of the same protected criterion, would that prevent the national court, pursuant to Article 8 of that directive and in order to prevent a lowering of the level of protection against discrimination, from continuing to interpret a rule of national law such as Article 4(4) of the Law of 10 May 2007 to combat certain forms of discrimination, as meaning that religious, philosophical and political beliefs are separate protected criteria?

Can Article 2(2)(a) of Directive 2000/78 of 27 November 2000 establishing a general framework for equal treatment in employment and occupation be interpreted as meaning that the rule contained in a company's terms of employment prohibiting workers from *'manifest[ing] in any way, either by word or through clothing or any other way, their religious, philosophical or political beliefs, whatever those beliefs may be'* constitutes direct discrimination, if the practical application of that internal rule shows that:

a female worker who intends to exercise her freedom of religion by wearing a visible sign (with connotations), in this case a headscarf, is treated less favourably than another worker who adheres to no religion, has no philosophical beliefs and no political allegiance and who, therefore, harbours no need to wear any political, philosophical or religious sign?

a female worker who intends to exercise her freedom of religion by wearing a visible sign (with connotations), in this case a headscarf, is treated less favourably than another worker who holds any philosophical or political beliefs but whose need to display them publicly by wearing a sign (with connotations) is less, or even non-existent?

a female worker who intends to exercise her freedom of religion by wearing a visible sign (with connotations), in this case a headscarf, is treated less favourably than another worker who adheres to another or the same religion, but whose need to display it publicly by wearing a sign (with connotations), is less, or even non-existent?

given that beliefs are not necessarily religious, philosophical or political and that they may be of another kind (artistic, aesthetic, sporting, musical, etc.), a female worker who intends to exercise her freedom of religion by wearing a visible sign (with connotations), in this case a headscarf, is treated less favourably than another worker who holds beliefs other than religious philosophical or political beliefs, and who manifests them through clothing?

assuming that the negative aspect of the freedom to manifest religious beliefs also means that a person cannot be required to reveal his or her religious affiliation or beliefs, a female worker who intends to exercise her freedom of religion by wearing a headscarf which is not in itself an unambiguous symbol of that religion, since another female worker might choose to wear it for aesthetic, cultural or even health reasons and it is not necessarily distinguishable from a simple bandana, is treated less favourably than another worker who manifests his or her religious, philosophical or political beliefs verbally, since for the female worker wearing the headscarf that implies an even more fundamental infringement of freedom of religion, on the basis of Article 9(1) of the ECHR since, unless prejudice is prevalent, the religious significance of a headscarf is not manifest and, more often than not, can only be brought to light if the person who is wearing it is required, if only implicitly, to reveal her reasons to her employer?

a female worker who intends to exercise her freedom of religion by wearing a visible sign (with connotations), in this case a headscarf, is treated less favourably than another worker with the same beliefs who chooses to manifest them by wearing a beard (which is not specifically prohibited by the terms of employment, unlike manifestation through clothing)?

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<sup>1</sup> OJ 2000 L 303, p. 16.