

14 March 2017

MEDIA STATEMENT

European Court of Justice Guidance on Wearing of Political, Philosophical or Religious Symbols

MWNUK are frustrated that the European Court of Justice has issued guidance that will potentially allow the banning of the 'visible wearing of political, philosophical or religious symbols'. They state that this would not constitute direct discrimination in a workplace where a prior dress code policy exists.

This absence of direct discrimination was said to be because G4S's policy applied to all employees, but the fact is that the cases being heard were of two Muslim female employees (one a receptionist, one an IT consultant). MWNUK believes that the impact of this case is more likely to be felt by Muslim women who choose to wear the headscarf because employers will think they have the green light to introduce similar policies on the back the ECJ's comment that a company's 'desire to project an image that its public and private sector customers is legitimate', without thinking through the consequences.

The fact that in the second case, Bougnaoui, customer 'discomfort' was not seen to be a good enough reason to ban an employee from wearing a hijab is welcome, as is the comment in the first case, Achbita, that a policy such as G4S's might be indirectly discriminatory.

However, disappointingly this guidance has come at a time of increased in anti-Muslim sentiment across Europe, and when the issue of policing women's agency and violating their fundamental right to wear what they choose is seen as highly controversial.

Women's clothing, the policing of how we present ourselves, has been used for generations as a means to oppress us, to limit our power. Clearly, the added dimension of Islamophobia clouds the issue in people's minds but this is a matter of freedom of expression and whether this individual freedom prevents a person from doing their job.

In the UK, the Equality Act 2010 protects you from being treated unfairly or unequally based on certain 'protected characteristics' such as your religion or belief, sex, race, age, disability, or marital status. Under the act it is illegal for employers to discriminate against an employee on the basis of these or any other specified protected characteristics.

Our Executive Director Faeza Vaid commented,

"I am hopeful that the UK will continue to enforce our non-discrimination laws, which are a solid grounding for building an equal and diverse society. In employment, competency should always be the deciding factor when determining whether someone is able to do their job."

MWNUK urges all employers to think carefully about introducing policies that might be deemed directly or indirectly discriminatory, and consider what impact their decisions may have on perceptions of their business as well as the wider implications for the employability of Muslim women.

End.

Note to Editors

1. About Us

Muslim Women's Network UK is a national charity that works to improve social justice and equality for Muslim women and girls and operates a national helpline. We find out about their experiences through research and helpline enquiries and produce resources, deliver campaigns and conduct advocacy work, regularly engaging with government.

MWNUK organisational website : www.mwnuk.co.uk

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2. Media Contacts

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