

ECJ 2 September 2021, case C-928/19 P (EPSU), Collective Agreements, Miscellaneous

European Federation of Public Service Unions
(EPSU) – v – European Commission

Summary

The Commission is not bound to give effect to the social partners' request seeking implementation, at EU level, of the agreement that they have concluded.

Ruling

The Court (Grand Chamber):

- Dismisses the appeal
- Orders the European Federation of Public Service Unions (EPSU) to bear its own costs and to pay those incurred by the European Commission.

ECJ 15 July 2021, joined cases C-804/18 and C-341/19 (WABE), Religious Discrimination

IX – v – WABE eV and MH Müller Handels GmbH –
v – MJ, German cases

Summary

An employer's need to present a neutral image may justify a prohibition on any visible expression of beliefs, but must correspond to a genuine need, notwithstanding the specific national context and more favourable national provisions.

Questions

1. Must Article 1 and Article 2(2)(a) of Directive 2000/78 be interpreted as meaning that an internal rule of an undertaking, prohibiting workers from wearing any visible sign of political, philosophical or religious beliefs in the workplace constitutes, with regard to workers who observe certain dress codes based on religious precepts, direct discrimination based on religion or belief, within the meaning of that directive?
2. Must Article 2(2)(b) of Directive 2000/78 be interpreted as meaning that a difference of treatment indirectly based on religion and/or gender, arising from an internal rule of an undertaking prohibiting workers from wearing any visible sign of political, philosophical or religious beliefs in the workplace, may be justified by the employer's desire to pursue a policy of political, philosophical and religious neutrality with regard to its customers or users, in order to take account of their legitimate wishes?
3. Must Article 2(2)(b)(i) of Directive 2000/78 be interpreted as meaning that indirect discrimination on the grounds of religion or belief resulting from an internal rule of an undertaking prohibiting the wearing of visible signs of political, philosophical or religious beliefs in the workplace, with the aim of ensuring a policy of neutrality within that undertaking, can be justified only if that prohibition covers all visible forms of expression of political, philosophical or religious beliefs or whether it is sufficient that that prohibition is limited to conspicuous, large-sized signs provided that is implemented consistently and systematically?
4. Must Article 2(2)(b) of Directive 2000/78 be interpreted as meaning that national constitutional provisions protecting the freedom of religion may be taken into account as more favourable provisions within the meaning of Article 8(1) of that directive in examining the appropriateness of a difference of treatment indirectly based on religion or belief?

181

Ruling

1. Article 1 and Article 2(2)(a) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation must be interpreted as meaning that an internal rule of an undertaking, prohibit-