

Fransson, Susanne. University of Gothenburg. *Internal workplace policies of neutrality - risks and barriers that hinder an including working life. A jurisprudential investigation of the conflict between the freedom of religion and the freedom to conduct a business.*

Internal workplace policies of neutrality - risks and barriers that hinder an including working life. A jurisprudential investigation of the conflict between the freedom of religion and the freedom to conduct a business

This abstract is referring to an article published in *Arbetsmarknad & Arbetsliv* 2018 and an ongoing research project. The aim with the project is to investigate the importance of the European Court of Justice's decisions in the two cases C-157/15 and C-188/15 from a Swedish legal context and in relation to present challenges in the Swedish labour market.

In particular, the project deals with conflicts between human rights in the labour market in form of the employer's freedom to conduct a business put in relation to an employee's freedom of religion and the right to work. These conflicts are studied from an *intersectional perspective*, which implies that categories like *sex, religion and ethnicity* are made visible.

The focus of the investigation is the usage of internal workplace policies of neutrality that explicitly refer to religious manifestations. With the aim to provide knowledge about scope and limits for such policies or contract clauses of neutrality that restrict the right to manifest one's religion or belief, the following questions will be examined:

How can human rights like the freedom of religion and the freedom to conduct a business be perceived and balanced in the Swedish labour market from an intersectional perspective?

In what way has the normative field developed? What are the limits for the employer's prerogatives in relation to the freedom of religion, the ban on discrimination and the right to work for employees and those who seek employment?

Do newly implemented pro-active provisions in the Swedish anti-discrimination law have an impact on the scope of policies of neutrality or neutrality clauses?

The decisions of the European Court of Justice have led to a polarised public debate, where gender- and diversity perspectives have been side-lined. To investigate the legal preconditions and to structure legal materials helps to create necessary prerequisites for a more nuanced discussion. A jurisprudential study can provide a basis for the acting of the social partners, for government bodies' or administrative authorities' decisions and for political decisions with the aim to encourage an including working life.

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