



**Guide to
Equal
Treatment
in the Private Sector**

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**Discrimination in the private sector
*Experiences and strategies of those affected***

**Group discussions' assessment report
as part of the GET In Project**

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For Diversity



Against Discrimination



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1. Brief introduction to the GET In Project

The "GET In" Project - **Guide to equal treatment in the private sector** (Guidelines for equal treatment in the private sector) – is concerned with discrimination in the “public supply of goods and services by private companies”: retail, housing, public transport, clubs (Poland and Germany) and the financial services sector (Netherlands).

As part of the project, guidelines were drafted for those affected by racially-motivated discrimination, with which they will be able to categorise the unequal treatment they have experienced in accordance with the provisions of EU Equal Treatment Policy and initiate legal steps.

In order to be able to provide those affected with professional assistance based on the legislative and political criteria of the EU Equal Treatment Directive (2000/43/EC) and its implementation, there is a need for training at advice centres (anti-discrimination offices, immigrant advice centres, consumer advice centres). Assessment guidelines are being drawn up to this end based on counselling practice. In addition, the project aims to initiate self-regulatory commitments to eliminate discrimination on the part of the supplier. As a result of dialogue with relevant organisations and companies, recommendations are being developed for a discrimination-free relationship with customers and a code of practice which conforms to EU Directives.

This report presents the results of the group discussions, which predominantly form the basis for the development of the guidelines for people affected by discrimination.

2. The route to guidelines for those affected

2.1 Five group discussions and the participants

Various organisations were approached to introduce and tackle the topic of discrimination with a group of immigrants and to initiate a group discussion and make the results available to GET In. In the end, interviews were carried out by five institutions/experts: the Anti-Discrimination Network in Berlin; the charity Caritas in Cologne, Caritas in the City of Neuss Deanery, Rom e.V. of Cologne, and Silkata A. Sahin-Adu of Hamburg.

2.2 Reasons for and aims of group discussions

The reasons for carrying out the group discussions and using the results of these discussions as one of the main bases for the development of guidelines for victims of discrimination are diverse.

On the one hand, the findings emerging from anti-discrimination work about actual cases of discrimination in privately supplied goods and services appear to be comparatively fewer, as the information received in the offices mostly relates to practice by public bodies. The compilation of cases undertaken as part of the project was insufficient as an analysis of the extent of discrimination. Therefore, group discussions were conducted in cooperation with various organisations, in order to broaden the database for the development of guidelines with regard to discrimination and intervention work.

On the other hand, by involving the target group, the individual coping and intervention mechanisms for discrimination as experienced are to be integrated into the development of indicators for the guidelines.

Furthermore, the level of knowledge needed to be identified that interviewees had about options for institutional intervention. The extent to which people from an immigrant background were aware of discriminatory behaviour towards them was to be established and the extent to which they accepted this as normal. Also, how far were they prepared to defend themselves against the discrimination they experienced was also to be examined.

Last but not least, an exploration of their estimation of the support they had received so far was also an objective for the group discussions.

2.3 Method for interviews

The decision to conduct the group discussion in the form of interviews and to have these interviews conducted by advisors known to the group was particularly based on the thought that this relationship of trust would create a pleasant and productive atmosphere in which the interviewees can talk openly about their experiences of discrimination. At the same time, the expert knowledge of the interviewers enabled them to structure the questions in a specific way (formulation of questions and interviewing technique).

2.3.1 Method

The groups were selected by the aforementioned project and cooperation partners and were questioned in the framework of problem-focussed interviews as defined by Andreas Witzel¹ using a discussion guideline.

2.3.1.1 Selection of interviewees

When selecting the group, it is unimportant whether the groups are artificially arranged groups or real groups. When selecting participants for the interviews, it is advantageous if they have a similar background of experience or lifeworld, in order to establish as homogenous and equal a basis for discussion as possible. As the method chosen is a qualitative one, it does not claim to be representative. Typical (discrimination) case scenarios are to be identified. A targeted selection of the groups tailored to the aims of the project is required.

2.3.1.2 Problem-focussed interviews

In problem-focussed interviews, the prior (theoretical/practical) knowledge of the interviewer is incorporated into the data collection process. In the interviews conducted in the context of the project, the analysis of the problem focussed firstly on the phenomenon of cases of discrimination in the private sector and the coping mechanisms and intervention strategies adopted by those (potentially) affected.

The information obtained by previous analyses of the project and from the practical work of the interviewers was condensed into hypotheses and incorporated into the study as a preliminary interpretation. It should thus be possible in the interview situation to focus the discussion on the abovementioned research problem. The hypotheses defined then have to be verified or disproved in the evaluation according to the data obtained.

The interviews are centred round the expertise and social reality of the participants. For the interviewer, this means the following:

¹ Witzel, Andreas (January 2000). Das problemzentrierte Interview [The problem-focussed interview] [26 paragraphs]. *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research [online journal]*, 1(1). Available at: <http://www.qualitative-research.net/fqs-texte/1-00/1-00witzel-d.htm> [date of access: January 2006].

- **Openness**, which includes taking on board unexpected information and encouraging the flow of anecdotes, in order to initiate as fluid a discussion as possible;
- **Restraint**, i.e. the interviewee should do most of the talking;
- Establishing a confidence-building, familiar environment for the discussion (like an **everyday conversation**).

A brief questionnaire was distributed at the beginning or end of the discussion to collate the main personal details of the participants.

Furthermore, the confidentiality of everything said during the discussions was assured at all times. At the same time, the problem-focussed interview method also includes an explanation of the chosen form of interview and the information that the discussion aims to elicit. It was suggested that the discussions be recorded using Dictaphones and take place in a congenial atmosphere round a table.

A postscript should always be produced after the interviews.

2.3.2 Guideline/structure of group interviews

The people taking part were encouraged to talk freely. The discussions were opened with either a pre-formulated opening question or a case scenario, in order to home in on the problem to be examined, “*Discrimination experienced in the private sector and personal action strategies*”. It was left to the interviewers to decide how to open the discussion.

The topics or guidelines for the group discussions were as follows:

- (1) Experiences of discrimination in access to goods and services offered privately:
 - Qualitative description of incidents/possible description of open and covert methods
 - Area
 - Reason
 - Form
 - Assessment of participants of frequency of incidents

- Insight into the perception of discrimination (everyday occurrence and normality of discrimination, structural aspect of discrimination, discrimination as a violation of human rights)

(2) Individual intervention strategies/collective mechanisms within communities:

- Psychological reaction to experiences of discrimination
- Fighting discrimination (individual, collective)
- Seeking external advice/help

(3) Level of knowledge and assessment of:

- Advice centres
- Non-legal courses of action
- EU equal treatment policy
 - Past legal protection
 - General Equal Treatment Act (AGG)
- Legal means
 - Basis for proceedings, steps in the proceedings and results

(4) Evaluation/assessment of advice offered in the past (anti-discrimination offices, social welfare advice for immigrants, consumer advice, advice organised independently, other)

- Means of access
 - Ability of advisors to empathise
 - Availability
 - Links/cooperation with other agents
- Transparency of advisory process
- Personal commitment of effort and resources
- Effectiveness (on an individual level, at system level)

(5) Willingness to initiate legal steps

- Financial means
- Will and strength to persevere
- Assessment of potential success

2.3.3 Evaluation method/evaluation

Unfortunately, not all of the discussions were taped. This means that some of the information will inevitably have been lost and that it is no longer possible to disentangle some of the possible subjective interpretations of the interviewers. A postscript was also unfortunately not produced by every interviewer.

Nevertheless, the interviews did reveal a number of useful and interesting bits of information for the production of guidelines for those affected.

After they had been transcribed, the interviews were evaluated by means of a qualitative analysis of the content. As a product of this assessment, analyses of individual cases for each interview and a brief summary of the assessment are available in addition to a thematic matrix, which provides an extremely good overview of the common focal themes raised by the five group discussions.

3. Results from the five group discussions

The results of the group discussions are presented below, broken down into three sub-points (areas of discrimination, coping mechanisms, intervention strategies).

3.1 Areas of discrimination

Discrimination is most frequently experienced in the area of the housing market. Housing is withheld even on the telephone, usually on the basis of a name or accent. The following quotes from the discussions demonstrate this:

“[...] everyone else got their bond back, I was the only one who didn't get my bond back, and that was again due to the fact that I was the only foreigner in the house.”

“It goes back to when my wife and I were looking for an apartment; my wife is German. They say that an apartment is free, fine, she's white, and then they ask her for her name. My wife tells them her name and it doesn't sound quite German and immediately they ask: where does your husband come from? I come from the Ivory Coast and the man says to my wife, OK, give us a call tomorrow. My wife then rings the following day and is told that the apartment is no longer available.

But my wife got a friend of hers to make enquiries with them, to say that she was looking for an apartment, and they told her that the apartment is available.”

A similarly widespread experience among the interviewees was that of being criminalised, be it in the form of selective ticket inspections on busses and trains or arbitrary checking of bags in department stores and supermarkets.

“[...] and we were looking at sunglasses for my mother or my brother, I can't quite remember now, but it was, well, a long time ago now; my mother had a pair of sunglasses in her hand, at any rate the shop assistant sort of grabbed them off her and looked at her strangely, as if she... Well, my mother said that she wasn't going to steal them, and the shop assistant was so unfriendly, so then we complained, we went upstairs and complained to her manager, and then she had to apologise to us.”

However, interviewees are also discriminated against when shopping in places such as baker's shops or at banks. Reports included that of a black woman who said that she is regularly ignored in queues at counters and that other customers are served first.

“[...] or what I often get in shops when I am at the counter, so in places like baker's or butcher's shops where there are long queues and people do not always form orderly queues like they should to ensure that everyone gets served in turn, is that I do not get served, that I am so to speak overlooked, which always surprises me as I am a relatively large, well-built woman. So people who are standing on the right or left of me but who are not in the queue get served before me, until I say excuse me, but I'm next.”

Some banks are known, for example, not to give loans to immigrants or to give loans under worse terms, or to reject applications for current accounts.

In addition, there are frequent reports of access being denied to clubs and fitness studios. One participant in the discussion reported of having an application to join a fitness studio turned down:

“I don't know, the best example is actually Mac-Fit (?). I registered with them, they were so nice, had a plan done for me.

- *Where was that?*

In Seestraße, and I went there for a week. After 10 days, they sent me a letter saying that they were full and telling me to try again next year. That was two years ago now, and I couldn't be bothered any more.

- *That was two years ago?*

Two years ago, in 2004, and shortly after that I saw a report on the television about Mac-Fit, saying that it had frequently happened to other people.”

3.2 Coping mechanisms

For many of the people affected, discrimination has become an everyday occurrence. They often simply accept the discrimination:

“I just accepted it, for me it was normal. At some point it becomes normal, you become resigned to it, you accept it, you no longer think of it as unequal treatment, it is just normal. And then you start to think what’s the point, it will never change anything, you never think that you could change anything. It is really the case that you take it on the chin, I think.”

In addition, some make a distinction between “important” and “unimportant” discrimination.

One strategy adopted by those affected which stands out is avoidance. In other words, they avoid places and situations where there is a risk of discrimination. This may mean no longer going to the nearest supermarket and the person concerned having to make a longer journey in order to be able to shop unmolested.

Those affected often talk to relations and friends about their experiences. This is often the only coping mechanism available. However, these conversations sometimes provide the courage to fight against the discrimination to which they are exposed, either because these people actively encourage them or because they report similar experiences.

3.3 Intervention strategies

The General Equal Treatment Act (AGG) was not yet in place when these discussions were conducted. (It came into force on 18.08.2006).

This is probably one of the reasons why many believed that there is no point in complaining. Moreover, the majority do not know how they can prove the discrimination they experience.

“And what about T., if there were a law, would you seek help and say, OK, now I am demanding compensation or damages for pain and suffering, for example?”

Yes, if it really worked, if it really meant that your right to these things was enforced, then I would do it.”

However, a few intervention strategies were identified.

In the area of the housing market, the customary test procedure to produce evidence (a German acquaintance asks about the apartment recently declared to be taken) seems to be a very familiar one.

A direct (written) complaint lodged with the superior office about the discriminating behaviour of an employee is regarded as an effective remedy against discrimination. The involvement of advice centres or even a lawyer is hardly ever considered or believed to be worthwhile, however.

“[...] would it have helped more to go to a lawyer?”

Yes, that might have helped, but at the time we didn't want to do this, we urgently needed somewhere to live so we didn't have any time to waste, and they know very well that we will not bring a case, so we didn't do anything about it and simply let the matter drop.”

The level of knowledge on the part of those affected about their legal options and the support available also seems to be rather limited. Many of the interviewees are only familiar with the service/advice centre which held the group discussion.

“[...] is there any kind of institution or consumer protection body or the like, where you know you could go and find out about your rights?”

I have no idea. I think that if there were such a thing, the politicians, or whoever else is responsible for this, should simply explain this to this population. If they do actually issue an explanation, it is always written in High German, so even the natives have difficulty understanding it. It is not explained, you stand there with your letter, you're afraid of what might happen if you do not sign it, but no one is prepared to make it any easier or explain it to you.”

Very few are aware of the anti-discrimination offices and the obligation on Germany to pass an anti-discrimination act.

4. Conclusions

Some immigrants do not see any point in complaining about discriminatory treatment. As explained above, they choose the avoidance tactic. However, the awareness that this will not change anything and that this is little less than an acceptance and will not combat discrimination, as the practices adopted by service providers and their staff will not be eradicated, is lacking. Customers with a immigrant background regard unequal treatment as a normal part of everyday life rather than discrimination per se.

A revealing quote highlighting this arose from one interview:

“I just accepted it, for me it was normal. At some point it becomes normal, you become resigned to it, you accept it, you no longer think of it as unequal treatment, it is just normal. And then you start to think what’s the point, it will never change anything, you never think that you could change anything. It is really the case that you take it on the chin, I think.”

Need for public awareness work

There is a need to engage in public awareness work on the issue of discrimination in order to sensitise the wider public to the issue and its extreme importance. An awareness of discrimination must be created so that the people doing the discrimination on the one hand acknowledge that their behaviour as discriminatory and consequently change it. On the other hand, an awareness of what is to be regarded as discrimination must be created among those affected.

The public awareness work is also important in order to get people who are committed to fighting unequal treatment together with immigrants; but also so that people who perceive discrimination in a situation show the person committing the discrimination that society will not accept such practice.

Increase in awareness among immigrants

Many people with a immigrant background do not always have a very pronounced awareness of discrimination in terms of the legal system and social policy, and the ensuing means of intervention. As the above quote indicates, many accept discriminatory treatment as a normal part of everyday life. This even leads to some accepting, for example, that they will have to put up with financial disadvantages and



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even a poorer quality of life (e.g. being denied housing in nicer parts of the city with a better quality of life) compared to the large share of the majority population.

Those affected must have the means of fighting discrimination explained to them. They must also be made aware that the more people who complain, the more likely it is that something will change in everyday practice. The introduction of the General Equal Treatment Act (AGG) may help to raise awareness of discrimination and its exclusive effects among immigrants, as well as within society as a whole. The key will be to publicise the General Equal Treatment Act (AGG) and the possibilities it offers. The media must of course play a role in this, but this must also be done within and by immigration welfare services. The GET project also aims to help increase awareness of discrimination through the products it has developed (guidelines for those affected and guidelines for advisors), for example.