

Senatsverwaltung
für Arbeit, Soziales, Gleichstellung, Integration,
Vielfalt und Antidiskriminierung

BERLIN



Englisch

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**LADG
BERLIN**

The Berlin State Anti-
Discrimination Act
(LADG)

10 Questions and
Answers

1. WHAT ARE THE OBJECTIVES OF THE LADG?

The LADG serves to protect against discrimination within the framework of the public service activities of the State of Berlin, as well as to create and promote a culture which values diversity.

2. WHAT TYPES OF DISCRIMINATION DOES THE LADG PROTECT AGAINST?

The LADG protects against discrimination on the following grounds:

- gender,
- ethnic origin,
- antisemitic and racist attributions,
- language,
- religion and beliefs,
- disability,
- a chronic disease,
- age,
- sexual and gender identity,
- social status.

3. WHERE DOES THE LADG APPLY

The LADG binds the entire public administration and all public entities within the State of Berlin.

This includes, for example:

- the Berlin Senate and district administrations (e.g. schools, the police, citizen offices),
- public service corporations (e.g. colleges, universities), institutions, and foundations.

4. WHERE DOES THE LADG NOT APPLY?

The LADG does not apply to discrimination by superiors, colleagues, and third parties within the context of an employment relationship.

Furthermore, it does not apply in private legal relations. Instead, the General Equal Treatment Act (AGG) applies. The LADG is not directly applicable to joint federal and state institutions (Berlin Job Centres) and federal authorities.

5. WHAT CONSTITUTES DISCRIMINATION?

The law distinguishes between several forms of discrimination:

Immediate discrimination occurs when a person

- in a comparable situation,
- based on one of the characteristics listed in the LADG,
- receives less favourable treatment than another person,
- without justification.

Example: Accepting an application is refused due to the applicant's lack of language skills.

Indirect discrimination occurs when

- evidently neutral rules, criteria, or procedures
- especially discriminate against a certain group of people,
- based on one of the characteristics listed in the LADG,
- without being proportionate.

Example: At the Citizens' Office, access with animals is generally denied. This neutral policy disproportionately disadvantages people with visual impairments who rely on their assistance dogs.

Harassment occurs if

- the conduct is intended to violate the dignity of another person or has the effect of doing so, and
- the violation is related to at least one of the characteristics listed in the LADG.

Example: In the presence of a female applicant, public service employees tell misogynistic jokes.

Sexual harassment and instructions to discriminate are both treated as discrimination under the LADG.

6. WHAT ARE JUSTIFIED DIFFERENCES IN TREATMENT?

Not every difference in treatment constitutes discrimination. Unequal treatment is justified if it is based on a sufficient **objective reason**.

Measures to compensate for the existing disadvantages of structurally disadvantaged people (so-called affirmative action) also constitute such measures.

7. WHAT RIGHTS DO I HAVE WITH RESPECT TO THE ADMINISTRATION?

The LADG offers comprehensive protection against discrimination effected by state public service actions.

If unjustified unequal treatment occurs after the LADG, citizens have a right to compensation and remediation.

A period of one year shall apply for the legal assertion of claims.

It is important not to let other appeal deadlines expire (e.g. filing of an appeal within one month).

8. HOW CAN THE OMBUDS OFFICE SUPPORT ME IN EXERCISING MY RIGHTS?

The independent Ombuds Office supports and advises people who contact it free of charge in respect of enforcing their rights.

Within the scope of its activities, it may, if you so wish, work towards finding an amicable settlement of disputes. The Ombuds Office is authorised to call upon experts at any time, obtain expert opinions, pass on complaints and make recommendations for action.

Public entities are obliged to support the Ombuds Office in fulfilling its tasks, in particular with regard to providing the necessary information and submitting any requested statements.

9. IMPROVED LEGAL PROTECTION - WHAT DOES THAT MEAN FOR ME?

If you have been discriminated against in the context of public service actions based on one of the characteristics listed in the LADG, you can **transfer** your legal standing **to a recognised anti-discrimination association**. They will assert your rights in court within the context of a **case-by-case class collective claim** and can therefore effectively support you with your case.

10. WHAT SHOULD I DO IF I EXPERIENCE DISCRIMINATION?

Try to write down the details of the incident as minutes taken **from memory**:

- When and where has the discrimination occurred?
- How did it happen? What exactly happened?
- Why did you feel disadvantaged?
- Who was involved in the incident?
- Were there any witnesses?

We recommend that you contact the Ombuds Office for further action. They will discuss all available options with you (from a letter of complaint to legal action).

Contact:

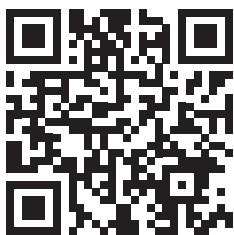
beschwerde@ladg-os.berlin.de

**DO YOU HAVE FURTHER QUESTIONS
ABOUT THE LADG OR DISCRIMINATION
PROTECTION IN GENERAL?**

Please visit the information pages of the Berlin
State Office for Equal Treatment and Against
Discrimination:

www.berlin.de/sen/lads/

There you can also find the complete text of
the LADG.



Note: This leaflet provides a general overview of the contents of
the Act that came into force on June 21, 2020.

The explanations and examples do not claim to be complete and
cannot replace necessary individual case advice.



IMPRESSUM

Senatsverwaltung für Arbeit,
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