

Englisch

LADG

The Berlin State Anti-Discrimination Act and the Ombuds Office



10 Questions and Answers



Berlin State Office for
Equal Treatment and
against Discrimination

Ombuds Office

1. What are the objectives of the LADG?

The LADG serves to protect against discrimination within the framework of the public-law activities of the State of Berlin and to create and promote a culture wherein diversity is valued.

2. Which characteristics are protected?

The LADG protects against discrimination on the following grounds:

- gender
- ethnic origin,
- anti-Semitic 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 is binding on the entire public administration and all public entities of the State of Berlin.

This includes, for example:

- the Berlin Senate and district administrations (e.g. schools, the police, citizen offices),
- direct public-law 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 in the context of the 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 is discrimination?

The law distinguishes between several forms of discrimination:

Direct discrimination occurs when a person

- in a comparable situation,
- on the basis of one of the characteristics listed in the LADG,
- receives less favourable treatment than another person
- without there being a justification for this.

Example: Acceptance of an application is refused on the grounds that the applicant does not speak the language.

Indirect discrimination occurs where

- apparently neutral rules, criteria or procedures
- typically discriminate against a certain group of people,
- on the basis of one of the characteristics listed in the LADG,
- without it being proportionate.

Example: In the Citizen Centre, it is generally not permitted to enter with an animal. This neutral specification discriminates against visually impaired people who are dependent on their assistance dog.

Harassment shall be deemed to occur if

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

Example: In the presence of an applicant, sexist jokes are told by public service employees.

Sexual harassment and **instructions to carry out a discriminatory act** are treated as discrimination under the LADG.

6. What is justified unequal 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 faced by structurally disadvantaged people (so-called positive action) also constitute such measures.

7. What rights do I have in relation to the administration?

The LADG offers comprehensive protection against discrimination effected by public-law actions of the state.

If unjustified unequal treatment occurs after the LADG comes into force, 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 deadlines for appeal 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. It is authorised to call upon experts at any time, to obtain expert opinions, to pass on complaints and make recommendations for action.

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

9. Improved legal protection – what does that mean for me?

If you have been discriminated against in the context of public-law actions on the basis of 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 in 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 a **verbatim account 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?
- What witnesses were there?

We recommend **contacting the Ombuds Office** for further action. They will discuss all your available options for action (from a letter of complaint to taking legal action).

Contact: ladg-ombudsstelle@senjustva.berlin.de

Do you have further questions about the LADG or about discrimination protection in general?

Please visit our **information pages**:

www.berlin.de/sen/lads/.

You can also find the text of the LADG there.



A counselling guide containing the addresses of Berlin counselling centres can be obtained by e-mail from

antidiskriminierungsstelle@senjustva.berlin.de.

Note: This leaflet provides a general overview of the contents of the Act that came into force on 21st of 2020. The explanations and examples make no claim to completeness and cannot replace necessary individual case advice.