



Federal  
Anti-Discrimination  
Agency

## Summary of the Federal Anti Discrimination Agency's independent contribution to the Second Report pursuant to section 27 (4) of the General Equal Treatment Act (AGG)

### Context and objectives

Education and work are central areas of life where discrimination can happen. On the other hand, they also offer a particularly good potential for working towards diversity and equal opportunities. Therefore, the Federal Anti Discrimination Agency (FADA) - in co-operation with the Federal Government Commissioners within its remit and the German *Bundestag* have decided to make the foregoing topics the focus of this report.

Scientific analyses, expert discussions, the evaluation of counselling requests submitted to the FADA and other complaint bodies as well as the evaluation of external studies provided an overview of the type and scope of discriminations and risks of discrimination in early years education, in school and training, at universities and on the labour market. The report centres on the subsequent recommendations and suggestions for action that are addressed to policy-makers, education facilities and employers alike.

Every four years, the Federal Anti Discrimination Agency (FADA) submits, together with the above-mentioned commissioners, a report on discriminations on the grounds mentioned in the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz - AGG*). Recommendations on how to prevent and eliminate discriminations are among the most central objectives. As already revealed by the requests received by the FADA, many people feel disadvantaged in the areas of education or work due to their ethnicity, gender, religion or philosophy, a disability, their age and/or sexual identity. In addition to these characteristics that are covered by the AGG, another major ground for discrimination is "social origin". This is also addressed in the report.

The FADA takes care to adopt a "horizontal perspective", i.e. to look at all discrimination characteristics as equivalent. As the areas covered are quite extensive, the report focuses on some exemplary issues.

# Results

## Education

### Early years education:

**Segregation**, the division into various (social) groups, already occurs in early education. It affects, firstly, special needs children in special remedial institutions. Nearly one in three special needs children are looked after in dedicated facilities. However, also children with a migration background or "low social origin" are segregated. This is often due to structural grounds and happens, for instance, when parents in a "poor" neighbourhood or one with a particularly large population with a migration background opt for mainly local child day care opportunities.

This jeopardises the children's participation opportunities, since heterogeneous and diverse groups have a more positive effect on educational achievement and social development. Therefore, integrative/inclusive child day-care facilities offer far greater advantages.

A non-discriminatory education is already important at day nursery and kindergarten age. Discriminations can, for instance, show in the nursery teachers' scepticism towards multilingualism as well as ideas of what is and is not "normal". To prevent such discriminations, it also takes a greater **diversity of staff**. Child day care facilities still lack male staff or staff with a migration background, with disabilities and from a broader age range.

### General schools:

A child's risks of becoming the subject of discrimination in general school are manifold. An "**exclusion practice**" is rife even at primary schools, leading to and sometimes abetting unequal opportunities. This includes the admission procedure and enrolment phase, the practices to identify remedial education needs and the transition recommendations to secondary schools at the end of primary school. In all of these areas, prejudice and discrimination can adversely affect the children's further educational trajectory.

Under legal aspects, the school laws of most of the Federal Laender do not provide full protection from discrimination. Neither do they include sufficiently explicit prohibitions of discriminations, nor are the avenues for complaints and legal protection clearly defined. These **protection gaps** must be urgently filled.

### Access to school:

So far, the **right to non-discriminatory access** to a mainstream school has not been adequately implemented. Specifically, many Laender have not yet explicitly made schooling mandatory for children without residence status. However, some Laender have at least formulated a school attendance right in their relevant laws, while others have not enacted neither so far; here, equality before the law remains to be provided for.

Less than one in five children with special needs attends a mainstream school. School laws have been slow to implement inclusion, although the UN Convention on the Rights of Persons with Disabilities stipulates the obligation to incorporate the right to inclusive schooling into the school laws. This problem is compounded by the **“inclusion dilemma“**: While parents want for their special needs children to receive inclusive schooling, they also fear that they may be disadvantaged in inadequately prepared mainstream schools.

Children with a **migration background** suffer from prejudice and unfounded characteristics such as having a poorer academic potential are ascribed to them. They are more likely to be assessed as having special educational needs. Studies indicate that this could be due to the fact that the methods to identify these needs rely on knowledge of the German language. The problem here is that remedial schools also offer less specific support for children from a migration background than mainstream schools.

### Achievement evaluations:

Marking and other assessments of educational attainment can also be biased by discriminatory mechanisms. For instance, pupils with a Turkish name or “low social origin” are more likely to receive lower marks for their performance. The more important marks are for their future vocational and training career, the more problematic the **ostensibly unbiased marking system** becomes.

Since the fair assessment of scholastic performance remains an elusive ideal, it would make sense for the schools to focus more on learning and the promotion of equal opportunities.

### Transition from primary school:

The transition to secondary school lays the tracks for the children’s future. All the more important is it for this process to be fair and free from discrimination. In addition to performance evaluations and assessments, however, it is fraught with other risks of discrimination, such as teachers’ personal assumptions of the parents’ ability to nurture and support their children, as well as “fixed” transfer rates to certain school forms.

Studies indicate that one in four pupils are **“misplaced“**. This is not only due to problematic marking. Teachers are less likely to recommend children with a migration background or "low social origin" for grammar school, even if their achievements are equivalent to those of their peers. This is especially critical in view of the lack of permeability among the school types in Germany that makes it more difficult to correct this disadvantage.

### Forms of school-based discrimination:

Some schools do not respond properly to the discriminations experienced by their pupils. Comprehensive concepts against disadvantages are rare. However, if pupils are discriminated against in school, it can adversely affect their feeling of self-worth and lead to poorer academic performance.

In this context, the Federal Anti Discrimination Agency takes a particularly critical stance towards the policy whereby some schools forbid their pupils to talk in their **own mother tongue**. It should be sufficient to speak German in class; any bans beyond that run counter to the promotion of cultural diversity and identity.

Pupils at German schools can also experience special discrimination over the **practise of their religion**, which is especially true for the approx. 700,000 Muslim pupils. This includes the frequently low acceptance of girls with headscarves. Studies reveal that the achievements of headscarf-wearing Muslim girls tend to be underrated.

However, there may be exceptions from the accommodation of religious requirements, for instance, if security at the school is jeopardised or the right to freedom of personal development might be restricted, e.g. through the rash exemption of girls from sport.

The lack of tolerance at school also affects **lesbian, gay, bisexual and trans\* youth**. "Gay", "fag", or "lesbian" are staples of school-yard name-calling as revealed by a survey at Berlin schools. Pupils reported that, in this setting, even one in three teachers mocked non-gender-conforming lifestyles.

**Hostility towards persons with disabilities** is also found at schools. It reaches from staring and taunting all the way to assaults by the pupils. Teachers discriminate against these children by not protecting them, by not taking their interests seriously or by refusing them normal help or assistance.

If pupils are constantly disadvantaged, their motivation, performance and identification with the educational goals suffer. The persistent confrontation with certain stereotypes and prejudices (e.g. that boys of Turkish descent are "aggressive", "macho" etc.) can, over time, **put paid to their successful participation in education**.

### Schools' ways of handling discrimination:

Some schools still lack diversity. This refers firstly to the **teachers**, who are still **predominantly female and without a migration background**. Second, also **teaching resources reproduce stereotypes**, such as racist ideas or normative family concepts.

Teachers and pupils alike are **almost ignorant of the rights in place against discrimination, counselling opportunities and ports of contact**. Protection through the courts is often not a viable option because of lengthy proceedings and psychological hurdles. Therefore, schools must have clear rules on rights to and procedures governing complaints and must have independent complaint bodies in place. At present, responsibility usually lies with head teachers and inspectors so that there is always the risk that they will challenge or be in denial of any accusations of discrimination.

## Tertiary education

### Access to tertiary education:

Access to higher education is still the main hurdle to be cleared by prospective students with a migration background, disabilities or "low social origin". Reasons are, *inter alia*, limited funding possibilities, lack of familiarity with the university system, lack of barrier-free premises and bureaucratic obstacles.

These problems loom particularly large when it comes to the characteristic of "**social origin**". Children of academics are three times more likely to study than those with non-academic parents. **Affordability** is a major issue here, since many would-be students fear that they might not be able to finance their studies. Moreover, older students are only granted financial support under certain circumstances.

Prospective students with **disabilities** can experience special selection criteria as discriminatory, such as the requirement for professional experience or special mobility. Certain policies to make up for disadvantages by upgrading their average marks are no longer operated by all universities.

Students who are **foreign nationals** and have not acquired their university entrance qualification in Germany face special obstacles. These include, in addition to language barriers, lengthy bureaucratic admission procedures or the inadequate recognition of foreign qualifications.

### Risks of discrimination:

Systematic data on discrimination experienced at German universities and other institutes of higher education have not been collected so far. What is known, however, is that discrimination in tertiary education can occur across all characteristics mentioned in the AGG as well as "social origin". Reasons are, *inter alia*, insufficient financial means for certain students, obstacles encountered in examination situations such as absence of barrier-free access, inexistent or hard-to-access information and counselling as well as sexual harassment.

Study drop-out rates are an indicator of discrimination experiences: The most frequent reasons for dropping out are **financial problems** due to structural disadvantages caused by "social origin", migration background or disability. Other problems faced by students can be, for instance, the **absence of academic contacts** that would ensure the successful study outcome and show professional perspectives.

### Diversity at universities:

Universities etc. are increasingly developing **measures to encourage diversity**. However, the prevention of discrimination still plays a subordinate role in these efforts. Moreover, there is no diversity mainstreaming whereby all discrimination characteristics are equally and comprehensively factored in and addressed. Here, the FADA's pilot project "***Diskriminierungsfreie Hochschule – Mit Wissen Vielfalt schaffen***" (non-discriminatory higher education institutions - creating knowledge through diversity - 2010-2012) provides an important basis for identifying discrimination risks and addressing them strategically. The FADA is going to publish a relevant guide for tertiary education institutions that builds on the project results. It provides a check list to identify discrimination risks, includes good practices and recommendations for mainstreaming diversity strategies at universities etc.

## Recommendations for the reduction of disadvantages in the educational sector

- **Boost legal protection from discrimination in the educational sector across all characteristics covered by the AGG and “social origin“**

This must be clearly established in the laws governing child day-care facilities, schools and universities. This protection should cover access to, attendance at and transition between the various educational facilities.

- **Develop and implement comprehensive diversity strategies for the educational sector**

The fight against discrimination should always be conceived as a part of diversity. Therefore, corresponding strategies must factor in all characteristics mentioned in the AGG - as well as "social origin" - individually as well as in their multidimensional nature. The strategies must be firmly established on all levels of the educational system and involve all actors.

- **Establishment of an independent counselling and complaint system**

The various education institutions must have independent contact partners in place to address discrimination issues whose services must be extensively advertised and who must be easily accessible. Regarding very young children, these counselling and complaint bodies may be linked up with qualification centres on issues such as how to deal with diversity in pre-school settings. Schools, too, must provide a professional port of contact for students, teachers and parents. For universities etc., the establishment of antidiscrimination and complaint bodies is recommended.

- **Implement measures for equal access in early years opportunities**

The basic prerequisite for “universal access“ are a sufficient number and variety of child day-care places. Moreover, it should be considered to make them free of charge or abolish the parents’ contributions from the child's third year of life onwards. In exchange, government funding should be correspondingly increased.

Moreover, the training and further training of pre-school teachers should include approaches to addressing diversity and discrimination. These should be subject to binding quality standards stipulated in the Laender’s education plans. Addressing diversity also includes organisational development to mainstream this topic. Finally, it also requires a critical look at learning and teaching materials, respect for multilingual people and the greater participation of parents and children.

- **Implement measures against discrimination in general schools**

School development projects should systematically include topics such as the protection from discrimination and strengthening of equal opportunities. To accomplish this, schools need sufficient funds. Shifting funds will not do, since the commitments under the UN Convention on the Rights of Persons with Disabilities regarding inclusive education must be implemented as well.

- **Closing of protection gaps in school laws**

Unless already in place, school laws should be amended to explicitly outlaw discrimination. In this context, consideration should be given to incorporating the characteristic of "social origin" that some Federal Laender have already implemented. In addition, positive measures - e.g. preventive measures - should also be included into the school laws. The Laender laws might also stipulate provisions on the rights of complaint and the relevant proceedings. Beyond that, clear-cut provisions must ensure that only non-discriminatory education materials are approved for use, and school laws must be checked for religious neutrality.

Essentially, it must be legally guaranteed that all children have non-discriminatory access to education, irrespective of their residence status, any disability or other factors.

- **Implement concepts against discrimination**

Every school should prepare and implement a comprehensive anti-discrimination concept. Central topics should be, *inter alia*, bans on discrimination, precepts of equality, seminars and further training courses on diversity and anti-discrimination for teachers as well as information and counselling rights for pupils and parents. The preparation of guidelines for display in schools is recommended.

- **Creation of a qualified school-based complaint management**

All Federal Laender should be required to set up a qualified complaint management system for schools. This system should cover, *inter alia*, where and how complaints are to be registered, counselling and information provided, incidents investigated, documented and evaluated. The complaint bodies would have to take a preventative approach at the same time and should be able to intervene in case of discrimination. They should be impartial, unbiased (not school-based, if necessary) and allow low-threshold access.



- **Revisit the tracking system, strengthen all-day schools and inclusion**

The practice of tracking pupils into secondary schools and the early end of the shared primary school phase should be revisited since they favour early segregation. All-day schools should be rolled out further. The legislators on the Land level are obliged to include the right to inclusive schooling into their school laws. Targets or provisions with reservations are not sufficient.

- **Promote the opening of tertiary education**

The aim should be "tertiary education for everyone". One means to achieve this could be to grant fellowships to underrepresented groups according to social criteria. Moreover, the age ceilings under the Federal Training Assistance Act (BAföG) and other fellowships should be abolished. Foreign students must enjoy the same rights under labour law as their German peers.

Active measures such as mentoring programmes and networks should reach prospective students who do not count among the "traditional" students. Moreover, the extension and advancement of various study formats such as employment-plus-study programmes or distance studies could help to reach certain groups.

The exemption from university fees and contributions could ease the financial stress on students with disabilities who are burdened with extra expenses as it is. It would also make logical sense to extend existing compensations for disadvantages. Vitaly, barrier-free access to and within tertiary education must be expanded as well, for instance with regard to information and counselling.

- **Sensitising the tertiary education sector for discrimination risks and advancing diversity**

Generally, students, lecturers and administration staff must be sensitised to discrimination risks to identify and expose them. To this end, comprehensive diversity strategies must be prepared. It is also recommended to systematically include anti discrimination aspects into tertiary and science-based funding programmes as well as to incorporate diversity strategies into the Framework Act for Higher Education (*Hochschulrahmengesetz*) and the Laender laws on tertiary education. In this context, the launching of a programme for "diversity in tertiary education" by the Federal and Laender governments would be conceivable and desirable.

- **Extend and intensify research efforts-**

In view of the research gaps regarding discrimination in tertiary education, the implemented diversity and anti discrimination measures must be comprehensively monitored and evaluated. At the same time, research gaps should be filled by identifying, for example, where and how discrimination takes place; which specific groups are discriminated against or which institutional grounds exist for failing to implement anti discrimination measures.

## **World of Work**

Myriad discrimination risks exist when transitioning from education to employment, when resuming paid work after unemployment and in terms of careers and everyday working life.

Ethnic origin, in particular, plays a major role in accessing work. **Requests received by the FADA's counselling centre** reveal that foreign professional qualifications and work experience are frequently not recognised. Some applicants are expected to match a profile that is not reasonable for the job advertised (e.g. excellent command of the German language for cleaning staff). In addition, there are job advertisements that exclude certain groups for instance on grounds of age. Besides, persons with severe disabilities are not always invited for interviews in spite of the statutory requirement to invite them.

In the world of work itself, (counselling) cases of mobbing by supervisors and colleagues have been documented that have a racist, misogynistic or homophobic background. Requests to work part-time, pregnancy, disability or age lead to career opportunities being denied or only inferior work being offered.

### **Research findings on discrimination in the world of work:**

The very **analysis of labour market statistics indicates structural disadvantages** in terms of the AGG characteristics gender, disability, ethnic origin and age. Discrimination against individual groups is virtually encouraged by certain factors. One of these is the increasing labour market segregation between normal and atypical and/or insignificant work as well as the distinction between "female" and "male" occupations. However, persons with disabilities or with a migration background are far less likely to benefit from the upswing of recent years.

While female labour market participation has grown, women are much more likely to work part-time or in the low-wage sector. In marginal employment, women outnumber men by almost two to one.

The percentage of economically active people with a migration background is clearly below that of German workers (64 % as opposed to 78,2 %), especially in the public sector. The corporate core workforce only includes a low percentage of persons with a migration background, while this rate is far higher in areas where pay is uncertain and skill requirements low.

Persons with disabilities and/or chronic disease still struggle to access the general labour market. Persons with disabilities who do not find a job there work mainly in workshops for persons with disabilities or below their qualification level.

### Transition from school to training:

As already shown, discriminations in school are co-determinants of later occupation and training. Discrimination risks when transitioning to training, however, cannot be completely traced to such a history of disadvantages. A "low social origin", a specific migration background, visible religious affiliation or a disability lessen a person's chances to secure vocational school-plus-workplace training. Gender and age also play a role here.

Firms have certain **expectations when it comes to the "normalcy" or "goodness-of-fit"** of youth. They have, for instance, unfounded fears that certain youth might put off customers or underperform. In doing so, they overlook the young persons' potentials and competences.

Here, ethnic origin and alleged "social origin" are closely linked. The "gatekeepers" on the way to vocational training frequently assume that young foreign nationals only have poor German language skills and major educational deficits. At the same time, they generalise factors such as motivation to succeed and reliability.

Young persons with disabilities are sometimes assumed to be less productive or able to work under pressure which clearly worsens their vocational training opportunities. It is striking to note that students from remedial schools are often handed over, directly and without testing their abilities and knowledge, to workshops for persons with disabilities.

### Access to jobs:

The applicant's name and the implied ethnic or "social origin", their gender, religion, age or disability as well as chronic disease can lead to discrimination in securing access to a job. Even beforehand, employers assume them to have **deficits**, such as in terms of language skills, as well as an adverse effect on clients/customers and the bottom line through working time lost and the need to provide for barrier-free access.

**Women wearing headscarves** experience a particularly high degree of exclusion when seeking access to jobs. Irrespective of the applicant's qualifications, cultural stereotypes and prejudices seem to be greatest over this issue, just as reservations over alleged negative consequences from her contact with clients or customers. Here, the FADA considers the bans on religious symbols under Laender law as problematic, as they can adversely affect even the private sector.

Some employers even perceive the special **protection against dismissal** enjoyed by severely disabled persons and persons with an equivalent status as well as pregnant women or women during maternity leave as a recruitment obstacle. Particularly small and medium-sized companies fear that their recruitment might be associated with high costs.

Even less visible characteristics lead to persons being discriminated against, such as homosexual orientation or life as a trans\* person. In addition, ageist stereotypes can lead to disadvantages, such as the prejudice that older persons are less able to learn.

Not only job offers that exclude certain groups (see above) can be discriminatory. Discrimination takes place mainly in the first phase of the application process, even ahead of the first interview. Here, **anonymised application procedures** are a useful tool to provide for equal opportunities and focus on the applicants' qualifications. A corresponding pilot project implemented by the FADA has already brought positive results.

#### **Exceptions - Religious communities/church employers:**

When recruiting, religious communities may require their future employees to be members of their own community. However, this is subject to the condition that membership is a reasonable requirement for this work according to the community's self-concept. This exception is regulated in section 9 I of AGG and justifies the different treatment of applicants on grounds of religion. Under these conditions, therefore, church employers and religious communities are consistently allowed to refuse applicants who have no denomination or different religion.

#### **Harassment/Mobbing at the workplace:**

Little is known about the forms and extent of harassment and mobbing at the workplace, because those affected do not tend to go public. What is known, though, is that incidents relate to all characteristics mentioned in the AGG. Additionally, older studies prove that the **sexual harassment of women at the workplace occurs at a considerable rate**. Victims are predominantly women in subordinate positions or precarious employment as well as women in male-dominated sectors.

Harassment and mobbing adversely affect the victim's health, productivity, motivation and loyalty to the firm. Although the resulting adverse effects can ripple through the entire firm, comprehensive concepts for prevention and intervention have been absent, so far.

Harassment is clearly defined in the AGG. If mobbing at the workplace follows from one of the characteristics in the AGG, it can be considered harassment. Sexual harassment at the workplace is clearly prohibited under the AGG. Moreover, the Act obliges employers to take measures to put a stop to sexual harassment and to protect their staff.

### Discrimination and career:

Alleged deficits and the lack of corporate "usefulness" also play a role when it comes to rising within a company and being awarded further training opportunities. As a result of discrimination in this field, women, persons with a migration background, with disabilities and LGBT\* persons are clearly underrepresented in executive positions.

Women additionally find their career path blocked by **structural factors** such as employment breaks due to child-raising, care-giving and part-time work. However, the glass ceiling women hit on their way up also affects other groups, such as persons with a migration background.

Opportunities are also unequal when it comes to accessing further and continuing training. Specifically, persons with a migration background are much less likely to attend further training programmes. In almost all sectors, men are far more likely to undergo further training than women and persons without a stated disability more likely than those with such a disability. Older employees, too, are less likely to attend further training. The common reason is that companies seek to regard the investment as "worthwhile". Persons who threaten to leave the workforce, for instance due to family responsibilities or age, are less likely to be proposed for participation and sponsored. Disadvantages in the field of further training can also lead to a situation where "lifelong learning" becomes more difficult, which can have adverse effects for those affected.

### Wage gap:

Wage gaps exist not only between men and women, but, for instance, also between staff with and without a migration background or with and without disabilities. The risk of wage inequality is compounded by the fact that **criteria for the non-discriminatory evaluation of work are inexistent** and auditing instruments such as Logib-D and eg-check.de are not consistently used by the companies.

According to the Federal Statistical Office, the unadjusted gender wage gap based on the average gross hourly pay was 22 per cent in 2012. Even factoring out structural causes such as the lower pay in "female occupations", the adjusted wage gap still amounts to some eight per cent. This so-called "unaccounted for remainder", can be due to direct or indirect discrimination.

Court actions over wage gaps have been few and far between so far. This could be due to a lack of transparency and the resulting difficulty to furnish evidence. Moreover, while the AGG addresses the protection from discrimination in terms of pay, it does not visibly specify a ban.

#### Termination of an employment relationship:

The termination of employment can also involve discriminations. Especially **atypical employment relationships are the subject of complaints** over the bypassing of employee protection rights. In this field women, younger persons and persons with a migration background are overrepresented. Therefore, certain employees are exposed to a higher risk of discrimination in terms of employment termination.

Time and again, employees are made to leave over a characteristic covered by the AGG. Employees are **dismissed, for instance, because of their decision to wear a headscarf or because of chronic illness**. In the absence of reasonable grounds, these instances must be deemed to amount to discrimination. However, this is hard to prove in court, since evidence must be furnished that the dismissal was directly related to an AGG-covered characteristic.

**Age ceilings** play an important role on the labour market when it comes to the termination of employment relationships. Whether or not the statutory retirement age per se constitutes a discrimination has not been definitely clarified. However, the FADA believes that it should be made more flexible. At the same time, collective agreements should be checked for discriminatory regulations.

#### Promotion of diversity in the world of work:

Until now, the promotion of diversity in the world of work, in private business and the public sector has only been of minor importance. For the most part, companies and public authorities focus on individual dimensions, whereas horizontal strategies are lacking. Therefore, the **FADA's project "Chancen gleich(heit) prüfen – Diversity-Mainstreaming für Verwaltungen"** (Check out equal opportunities - diversity mainstreaming for administrations) aims to make a case for the advantages of diversity and equal opportunities in the world of work.

Implementation together with partner administrations from all over Germany in 2010 and 2011 revealed that while there are myriad measures, there is no "wraparound" diversity strategy. Information and networking are insufficient. In some places, moreover, implementation meets with major resistance, e.g. due to the fear of increased amounts of work. This is in spite of the fact that government entities already have many possibilities in place for promoting diversity. These must be exhausted and advertised to a greater extent.

## Recommendations for the elimination of disadvantages in the world of work

- **Advance diversity concepts, promote a diverse workforce**

Diversity concepts can have a positive effect on the corporate climate, corporate success and client contacts. A comprehensive diversity concept should be geared to covering all AGG dimensions. Importantly, the entire organisation, from the management down to the individual staff, should be involved. Works agreements can stipulate bans on discrimination.

- **Strengthen corporate and outside complaints and counselling bodies**

The AGG requires employers to set up complaints bodies. However, since staff are frequently not aware of them, they should be regularly informed about their rights and contact persons. The bodies should be prepared to handle all AGG characteristics and also explicitly designate a contact person for complaints over sexual harassment. In addition, non-corporate low-threshold, competent anti discrimination counselling must be ensured, since many employees do not sufficiently trust in-house offers.

- **Ensuring pay transparency**

To include the examination of pay structures into collective bargaining, the right to equal pay must be strengthened. This might be done by, *inter alia*, explicitly establishing the ban on wage discrimination in the AGG. Ahead of this, however, criteria for non-discriminatory and gender-neutral work assessments would have to be set up. Then, wage structure reviews by the two sides of industry should become a common and established part of collective bargaining. The Federal Anti Discrimination Agency might - if better resourced - act as an adviser to the bargaining partners and, in cases of dispute, as an arbitrator.

- **Implementing innovative recruitment policies**

Equal opportunities can be advanced through novel recruitment strategies such as anonymised applications. Employers who do not want to introduce this procedure should at least consider doing without the applicants' photos.

Discriminations can also be prevented by focusing more strongly on the job-seekers' potentials and competences. In this regard, personnel managers' awareness must be heightened and - especially on the Laender level - the recognition of professional qualifications further standardised. Additional decisive factors in staff recruitment are

measures that encourage a more diverse workforce, such as quotas and support programmes.

- **Revisiting statutory barriers**

Employment bans for refugees or measures such as labour market tests should be examined for their discriminatory potential and adjusted, if necessary.

Bans of religious symbols under Laender law should be revisited since they translate to discrimination against e.g. women wearing headscarves. Increasingly, the issue of potential discrimination risks faced by church employees is garnering public attention. In view of the fact that the reach of the churches' right to self-determination has not been conclusively clarified by the European Court of Justice, church employers should exercise restraint in applying their rights under section 9 AGG.

- **Addressing specific needs**

In an effort to prevent discrimination against staff, measures should be implemented to accommodate special needs based on age, gender, ethnicity, disability, religion or philosophy, or sexual identity. These include measures such as the statutory provision of barrier-free access, flexible working hours and child day-care provision, health promotion services or cafeteria options that are sensitive to religious dietary requirements.

- **Diversity-oriented career support**

The task here is to identify and analyse potential obstacles to in-house advancement faced by certain groups (women, persons with a migration background, staff with disabilities etc.). Another priority is to ensure equal access to further training, e.g. through mentoring programmes and networks for specific groups, and also by setting binding quotas.



- **Identifying discriminations over the termination of employment relationships**

Specific training for works and staff councils as well as staff themselves can help them recognise discriminations related to dismissals. Staff should be informed about their options to take legal action over their unlawful dismissal and, if appropriate, be referred to anti discrimination agencies. By the same token, the automatic linkage between the statutory retirement age and the end of employment must be examined.

## **Additional Information:**

The German version of the full report is accessible => [here](#) in an electronic format.

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