



## European network of legal experts in gender equality and non-discrimination

### FLASH REPORT

<b>Country:</b>	Latvia
<b>Title:</b>	Ombudsman issues recommendations to supermarket "MaximaXpress" and G4S security company in an alleged racial discrimination case
<b>Date:</b>	14 June 2019
<b>Expert:</b>	Anhelita Kamenska
<b><u>Context</u></b>	
<b>Issue at stake:</b>	A man of South Asian origin complained that he was verbally abused and discriminated on grounds of racial origin by a security guard, and supermarket personnel. He complained to the Ombudsman
<b>Grounds of discrimination:</b>	Racial or ethnic origin
<b>Field of application:</b>	Goods and services
<b>Source:</b>	National equality body
<b>Applicable law:</b>	Consumer Rights Protection Law (Article 3.1)

### **Content**

**Case:** On 29 May 2019, the Ombudsman issued an opinion in a verification case<sup>1</sup> concerning alleged racial discrimination by a security guard in a supermarket.

On 11 March 2019 a man of South Asian origin bought snacks in the supermarket "MaximaXpress"<sup>2</sup> and wanted to consume those in the place allocated for the purpose. He was approached by a security guard from G4S company,<sup>3</sup> who shouted at him, using very rude Latvian words indicating ethnic origin, including that Indians and South Asians should be banned from shopping in the supermarket. The man ignored the security guard but was further verbally abused when clearing the table. He also claimed that he had not been served by the supermarket personnel when he wanted to buy an extra sandwich, and that they had referred to his skin colour and the fact that he was an immigrant.

The Ombudsman examined whether alleged racial discrimination or hate speech had taken place, as well as issues related to the training of supermarket Maxima and G4S personnel. The Consumer Rights Protection Law (Art. 3.1) explicitly prohibits discrimination in accessing goods and services on grounds of gender, disability, race and ethnic origin and provides for a shift of the burden of proof in such cases.

Upon examining the surveillance video, the Ombudsman concluded that, out of all the customers, the security guard had targeted the customer with different skin colour. As the video had no sound, the Ombudsman could neither confirm nor refute that the customer had been denied any goods or had been subject to hateful comments by the security guard

---

<sup>1</sup> Latvijas Republikas tiesībsargs (2019). Atzinums pārbaudes lietā Nr. 2019-21-26A.

<sup>2</sup> X/Xpress Maxima is one of the largest supermarket chains in Latvia.

<sup>3</sup> G4S is the largest security company in Latvia and the Latvian branch of global G4S.

or the supermarket personnel. Concerning G4S the Ombudsman concluded (on the basis of written materials he received from the company and from the specific case) that he was not convinced that "the company is able to identify the principle of prohibition of discrimination, its forms and types, inform their staff accordingly, as well as conduct preventive actions to avoid discrimination." [7.2]

The Ombudsman issued the following recommendations:

- 1) To the supermarket – to train personnel on prevention of discrimination, to organise training within six months since the receipt of the opinion, and to submit to the Ombudsman relevant training materials or copies of internal regulations.
- 2) To G4S – within three months to submit to the Ombudsman training materials or copies of internal regulations that would confirm that G4S provided information to their personnel on potential situations which can lead to discrimination.
- 3) To both the supermarket and G4S – within two weeks to provide documents that would testify that the security guard no longer works in the supermarket chain.

**Key points of analysis:** Although racial discrimination could not be established, it is one of the rare cases when the Ombudsman has issued a lengthy opinion, explaining the concept of racial profiling, how racial discrimination may manifest itself in the service sector (by providing examples), the needs of specific customer groups (age, disability), questions that can be put to potential employees during the interviews. He has also informed of plans to address security guard company associations to pay attention to training security guards on discrimination prevention.

**Internet link source:**

[http://www.tiesibsargs.lv/uploads/content/atzinumi/28052019\\_atzinums\\_maxima\\_g4s\\_1559301727.pdf](http://www.tiesibsargs.lv/uploads/content/atzinumi/28052019_atzinums_maxima_g4s_1559301727.pdf);  
<https://likumi.lv/doc.php?id=23309>.