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TOOLKIT FOR EQUALITY: The Local Level

ECCAR's practical guide on the implementation
of effective policies against racial discrimination

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Chapter 3 – DOOR POLICY PANEL



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Researched and compiled by Paul Lappalainen, Isabella Meier, Ingrid Nicoletti, Klaus Starl.

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Cities as democratic institutions:

DOOR POLICY PANEL

This policy focuses on preventing and fighting discrimination in denying access to various types of catering establishments. A door policy panel is a commission for door policies at bars and discotheques. The panel assesses the door policy of clubs, bars and similar businesses and listens to and investigates complaints about supposedly unjust refusal of visitors on the various discrimination grounds.

A door policy panel aims at promoting **equality** to **prevent** and **sanction** discrimination in the enjoyment of fundamental rights.

Context information

The following chapter was developed through focus group and face-to-face interviews with door policy panel members and officials in the City of Rotterdam (Netherlands) and the City of Ghent (Belgium). The information was complemented by documents provided by the cities and additional desk research. Relevant context information for this chapter is that in the Netherlands there are different options for dealing with discrimination. One can file an administrative complaint or go to the police and report discrimination. Evidence concerning the perpetrator's discrimination is a precondition to the development of a case.

WHY IS IT NECESSARY AND WHO BENEFITS?

Regulating access to nightclubs is a safety issue. Door policies should therefore prevent actual security risks and not deny access on unjustified grounds. Discriminatory behaviour at the entrances of clubs and bars is a threat to public security as it raises agitation due to unfair treatment, which occurs generally in crowded areas with intoxicated people.

A door policy panel can help to prevent discrimination through counselling about fair and transparent door policies to bouncers and club owners. The panel can also assist persons whose access has been denied for discriminatory reasons and can act as mediator in such cases.

How does the city government benefit?

- Public safety is ensured as violent escalations caused by unfair treatment are prevented.
- Public safety is ensured as bouncers are instructed and trained to identify real security threats.
- The panel mediates between perpetrators and victims of discrimination to find an out of court solution. This saves the resources of police, prosecution and other public authorities.
- There is also a democracy aspect in that such establishments often require some sort of licence from the local government (a business licence, a liquor service licence). Such licences are often not an automatic right, but a privilege earned by the establishment. As local governments are under a duty to provide equal treatment, the privilege granted can be seen as an extension of the local government's duty to provide and support equality (non-discrimination).

How do club owners benefit?

- The criteria for entrance into a club are defined, visible and transparent. This eases the burden of bouncers and others and protects them from unjustified discrimination charges.
- The panel mediates between club owners and those who feel discriminated. An out of court solution can protect the reputation of the club.
- A door policy with well-defined security criteria helps prevent escalation of tense situations and thus physical injuries. This can also reduce the need for police investigations and temporary closing down of clubs. So, participation in the panel can help prevent a loss of income for the club owners.
- Participation in the door policy panel also improves their reputation as the panel publishes annual figures concerning complaints and a ranking of clubs in local media
- Safety is increased inside and outside the discotheque. Anger provoked by discriminatory behaviour of bouncers and others is avoided.
- Transparent door policies, which prevent entry of actual troublemakers, support bouncers and others and save them from being accused of discrimination.

- Participation in the door policy panel is an investment in good relations with the city's administration, its mayor, the police and/or the antidiscrimination office and local NGOs, particularly those that represent discriminated groups.
- The participating entrepreneurs learn from each other. Through the panel they can exchange experiences and strategies.
- The panel supports club owners in achieving compliance with anti-discrimination legislation and avoiding sanctions for discrimination.
- In various cases the panel can mediate between the club and the authorities.

When is a door policy panel useful?

A door policy panel is useful in a city if

- there are a considerable number of discotheques, clubs and bars (e.g. a university city and/or larger cities)
- discrimination in access to clubs or bars has been reported
- the city (mayor) has the power to close down a discotheque, withdraw business licences or liquor service licences or exert other forms of pressure on businesses in case of discrimination

Limitations - What cannot be achieved?

The legal situation circumscribes the power of this policy. If the legislation provides for strong legal protection in cases of discrimination, business owners will take the issue more seriously. They will be more interested in avoiding charges and be cooperative in preventive measures. If a mayor has the power to withdraw licences or limit nightly opening hours or close a business temporarily, the door policy panel will be more successful. In a city with a powerless mayor or with a mayor, who is not willing to use his power in this regard, a door policy panel will not be that successful. The success of a door policy panel stands and falls with the legal possibility and willingness to sanction clubs in cases of repeated discrimination. The mobilization ability of discriminated groups is also an important factor.

Do not expect that a door policy panel will immediately lead to an increase in reporting of discrimination. The panel lowers the threshold but for various reasons victims of discrimination will still be hesitant concerning the submission of complaints.

WHAT YOU NEED – Preconditions and Requirements

Preconditions:

- A legal competence that provides the city with sanction mechanisms against businesses that discriminate, e.g. withdrawal of licences or limiting nightly opening hours or selling liquor.
- A mayor committed to preventing and sanctioning discrimination in the nightclub sector
- A certain city size¹ with a certain number of clubs (student city)

Functional requirements:

- Experienced and committed persons willing to participate in the project (experience in the event sector, the police, the administrative procedures and regional authorities and representatives of discriminated groups, youth and anti-discrimination work)
- A financial commitment (about €10,000 per 100,000 inhabitants per year)

Operational requirements

- An office for public relations and reporting (can be part of a NGO)
- Various practical assets related to target group public relations (flyers, posters, a website, a mobile number for reporting)

FOUNDATION

Planning and Engaging Stakeholders

STEP 1 Political support

The implementation requires the support of the mayor or other political actors who will be taken seriously by the nightlife businesses.

¹ Naturally discrimination can be a problem no matter what the size of the city, but the issue seems to be much more prevalent in larger cities and cities with large student populations.

STEP 2 Situation testing

In case there is a lack of awareness concerning discrimination, situation testing can help to prove that it is a problem.

How to carry out situation testing? Select test persons who share the same characteristics in terms of clothes, age, gender, behaviour etc. Vary the situation only in regard to the discrimination ground you want examined, e.g. ethnic appearance or gender. Send them to entrances of nightclubs and document if entrance is refused to one person more often than the other. You can also take undercover members of the police, local politicians or media professionals into your field experiments.

Be prepared that situation testing will not be well perceived by business owners.

STEP 3 Form a working group / future door policy panel

Form a working group to develop a concept for your door policy panel. Invite the parties that should later be represented on the panel.

Include representatives of:

- Clubs and bars or their respective business associations
- The police
- The local anti-discrimination bureau or an NGO trusted by victims of discrimination
- Youth organisations

STEP 4 Letter of intent

Write a letter of intent, signed by all working group participants. Get the necessary political commitment and decision to implement.

Milestones

- The mayor/city council is committed to the idea
- Members of the working group/future panel are identified
- Letter of intent has been signed
- Local clubs have agreed to participate (at least some of the important ones)

<i>Risks, Challenges</i>	<i>Measures to mitigate risks</i>
Situation testing and the publication of the results provoke protests and/or legal complaints by businesses	Be prepared for hostilities related to accusations of provoking discrimination. Club owners will search for possibilities to take legal action in order to prevent you from publishing the testing results. Discuss the necessity of publishing; usage of the results in negotiations with clubs and colleagues may be sufficient.
The working group is not adequately made up of relevant stakeholders/individuals	Carefully select the stakeholders: Include NGOs, members of the police, members of youth organisations and members of the club sector. It is not recommended to integrate members of the public prosecution as they will be a party if a case goes to court.
The police are not in charge of discrimination in my city	Try to get their cooperation through other arguments which are important for them. Use other social problems falling into their responsibility area, such as public safety, drug abuse, use of alcohol by minors, etc.

Preparing the Concept

Step 5 Agree upon the basic elements and procedures for the panel

Tip! Include an anti-discrimination bureau or other institution that provides victim support as well as mediation in cases of discrimination. Build on their experience and procedures.

Tip! Conceptualize the door policy panel as a long-term policy of at least four years.

The following concept has been suggested by interviewees:

A Door Policy Panel should be made up of representatives of club and bar owners, the anti-discrimination bureau/victim support service, police and youth representatives.

The Panel has two main tasks:

1. Assessing the door policies of club and bar owners

The Panel develops a list of criteria for non-discriminatory door policies.

Club owners who want to join are asked to present a written door policy and to specify their house rules. The panel reviews the rules and supports the club owners in making amendments. If the door policy is approved by the panel, the club becomes a member. Participating entrepreneurs are required to display the panel's complaint hotline at their door. (An added idea, at clubs where lines tend to form, might be requiring a large sign concerning entry restrictions that is visible to a large part of the potential line.)

2. Analysing complaints about supposedly unjust denial of entry of visitors

The anti-discrimination bureau takes responsibility for setting up a hotline and an e-mail address for complaints.

The panel and the club members agree on the goal of reaching settlements before going to court. Experience shows that this is in the interest of the complainants as well. They usually do not want to file a lawsuit but simply want to be heard or gain entrance to the club the next time. The panel organises a mediation meeting, bringing together the complainant, the club owner and the respective doorman to find a settlement. Experience from other cities clearly indicates that most complaints can be dealt with informally through mediation. Only in the rare cases in which the complainant insists on going to court will the panel hand over the case to an entity that will support the person in taking it to court.

Additional support:

Whenever club owners need support on issues other than discrimination (e.g. in dealing with certain groups of people in and around the discotheque), they receive suggestions and tips from the panel. The panel is authorized to expel member businesses in case of violations of their door policy and lack of cooperation. It will notify the mayor of such occurrences.

STEP 6 Calculate the budget

In the Dutch city of Rotterdam, the door panel policy costs €65,000 per year. This includes panel meetings every 4 to 6 weeks and an annual meeting of all members. It furthermore includes the salary for a 20 hour per week administrative position, which is necessary for receiving and processing complaints and for mediation. The budget also includes the facilities used within the office of an NGO and other in-kind costs (office material, postal fees, print of publications). The amount of €65,000 also covers a yearly situation testing, carried out by students. The panel members participate on an honorary basis.

STEP 7 Formulate a list of legitimate criteria to deny entrance to clubs.

These criteria have to meet the safety concerns of club owners. At the same time they must respect equality/non-discrimination law. The criteria must be clearly formulated and applicable to every case – no exceptions are legitimate. New partners can select criteria from this list and thereby improve their door policy.

PUTTING INTO PRACTICE

STEP 8 Organise a public kick-off event

The kick-off meeting needs to be well publicized. Use the premises of the city hall and include important actors, such as the media and hopefully national minister for equality or equality, integration or human rights. Ideally, the mayor (or any person who has the power to suspend the operations/withdraw licences of clubs in cases of discrimination) clearly expresses commitment to the door policy panel.

Milestones

- The concept including procedures and powers of the door policy panel are finalized
- Tasks and responsibilities of the partners are defined
- Business owners are ready to become members of the panel
- A model door policy with legitimate criteria is elaborated
- The budget is calculated and funding is negotiated
- A public kick-off meeting has taken place

<i>Risks, Challenges</i>	<i>Measures to mitigate risks</i>
There is no consensus among the panel partners	Invest time in contacts, negotiations and discussions. Be prepared that it can take time.
Funding is difficult	Try to diversify sources of funding (e.g. split it between city departments). This is also a useful strategy to make long-term funding

less vulnerable to shifts in an individual department's priorities.

STEP 9 Motivate business club owners to participate

Approach clubs and bar owners and motivate them to participate.

Tip! Emphasise the aspects of safety, transparency, reputation and security. These aspects are relevant to those business owners who will not be convinced solely by the goal of non-discrimination. When the point of anti-discrimination is stressed too much, club owners may feel as if they are being accused of racism and act defensively. Therefore, focus on safety and security.

STEP 10 Involve local media

Involve local media in your actions. Publicity and a positive reputation are very important for club owners.

Milestones:

- A number of clubs participate
- Relevant, well-known clubs participate
- Participation in the door policy panel has a high reputation in the club scene

<i>Risks, Challenges</i>	<i>Measures to mitigate risks</i>
Club owners are afraid that as soon as they put up the entrance policy at the door, their bouncers will no longer have the possibility to deny entrance, because visitors will argue that they do not see any justification for the denial in the policy hanging at the door.	Experience shows that the opposite is the case: With the regulations put up at the door, a bouncer can deny a person's entrance by pointing to it, thus avoiding unjustified accusations and conflicts. I.e. the bouncer can refer to the door policy and say "it has nothing to do with your skin colour, it is because you do not meet the dress code"
Club owners do not see the necessity to participate or how they would benefit	Explain to them the advantages: reputation, avoiding court complaints, networking, increased safety and security, better

	<p>instructed bouncers.</p> <p>In addition, club owners can address the panel for advice and suggestions, e.g. in dealing with certain troublemakers in and around the discotheque.</p>
Club owners fear more regulation and control by the municipality	Communicate clearly that the panel is about increasing fairness and security and helping to settle complaints in a fast and effective manner.
Clubs do not see any problem of discrimination and/or show no interest in participating in the panel.	Use situation testing to raise awareness. Cooperate with the mayor/city council concerning the use of local powers in response to complaints (e.g. possible withdrawal of business licences in cases of discrimination)

Structural Embedding and Sustainability

STEP 11 Council decision

A council decision that supports the door policy panel

Milestones

- The panel is based on a local council decision
- The panel is taken into account in annual budgetary planning

<i>Challenges</i>	<i>Measures to mitigate risks</i>
Other issues (even if in connection with discrimination) become of higher importance and other topics gain in significance at the political agenda.	Different priorities do not necessarily mean that the project will be stopped. Continue situation testing and reporting to develop evidence concerning the relevance of and need for the panel.
The political landscape changes or the resources are lacking	Develop additional arguments concerning public safety and security which may appeal

to the broader interests of political parties.
In case of insufficient resources, try to diversify funding sources (e.g. national, EU, private foundations).

DAILY WORK

- Dealing with complaints: Explain to the victim what the Panel can do and ask him/her how he/she wants to proceed. If agreed, inform the owner of the club/business concerned that the Panel has received a complaint. Try to solve the complaint through a conciliation procedure between the plaintiff and the entrepreneur. If the parties do not succeed in solving the issue, review the complaint. If the Panel determines that the plaintiff was denied entrance on unjustified grounds, engage in a conversation with the entrepreneur. In cases of systematic discrimination inform the mayor. If required, support victims in reporting the violation.
- Maintaining attention on the panel's work and continuing lobbying and awareness raising activities.
- Constant networking among club and bar owners.
- Approaching and motivating club owners to join the panel.
- Assessing the door policy of individual entrepreneurs. Consulting club owners on how to design door policies that fulfil the legitimate interest of keeping troublemakers outside the club but do not result in ethnic discrimination.
- Actively visiting clubs a few times a year, to get an impression of the atmosphere. Bouncers may discriminate not due to bad intentions but because of work overload and unconscious stereotypes when facing a crowd in front of the entrance. Understanding the pressure on bouncers in practice will help to develop usable entrance criteria.
- Providing teaching material and offering training to bouncers on how to deal with crowds of people under pressure without discriminating.
- Investing time and energy in good cooperation with the police
- Carrying out annual reporting

- Continuing with the situation testing (can be carried out by students cost-efficiently) in order to maintain and update the evidence concerning the need for your project.

Tip! Bouncers might discriminate because they are following the instructions of the owner – or at least believe that that is what they are doing. Even if the bouncer might be the person carrying out the discriminatory acts, the owner or license holder needs to be held responsible. This applies in particular where the law against discrimination is a civil law. This is more difficult if the law is a criminal law.

<i>Challenges</i>	<i>Measures to mitigate</i>
Fluctuation of business owners, contacts need to be re-established continuously	Continue networking and lobbying; make sure that the door policy panel is well known among your different target groups (club owners, young people in the city, ethnic minorities, etc).
Club owners fear an inconsistency between the door entrance rules, the general security policy and the atmosphere in a club	Communication, clarity, cooperation and mutual understanding between the entrepreneurs and the other stakeholders are of importance here.
Bouncers are opposed to the door policy panel	Visit bouncers regularly at their workplace to understand everyday practices and talk to them. Emphasize that the panel aims at supporting the bouncers by addressing the club owners and promoting door policies that are well thought through.

KEY FACTORS FOR SUCCESS

Key success factors according to the interviewees:

- Solution oriented approach: The panel looks for constructive solutions, rather than setting out a label of guilty. Searching for out of court solutions serves the interests of victims in avoiding long drawn out proceedings and the interest of club owners in avoiding a bad reputation.
- Quality of the panel's members: Members of a door policy panel should be ready to get out of the comfort zone, be willing to reach out to people that are sceptical and

to be assertive in this regard; therefore it is helpful if members work in a position that is taken seriously. In any case it is crucial that members dedicate time and energy to the door policy panel.

- Security argument: Public safety is a general concern and therefore a strong argument. Club owners are interested in preventing conflicts and violent incidents, in avoiding troubles, investigations and a loss of income. Reliable entrance criteria increase security outside and inside the clubs, by preventing angry behaviour of young people who feel discriminated against and by identifying those individuals who may actually cause a threat.
- Legal power: The mayor's (or the city's) authority to issue and withdraw business licences and his/her willingness to make use of that power in case of discrimination creates a strong incentive for business owners to cooperate with the door policy panel.
- Awareness: The obligation to display the panel's complaint hotline at the door makes it better known among club visitors.
- Publication of figures: The panel publishes the number of complaints received for every club once a year and presents it in the form of a ranking. Business owners have an interest in a good position in order to avoid bad press.
- Networking: The entrepreneurs exchange experience on how to design and implement door policies and house rules.

IMPACT

The door policy panel should help to reduce the number of discriminatory incidents at club and restaurant entrances. If discrimination occurs, the door policy panel is a contact point for victims; the door policy panel is well known among club visitors and they have a high level of trust in the panel's capacities of helping them. The panel provides a mediation procedure that leads to solutions that the victim is satisfied with and that club owners and bouncers can accept and respect.

Outcome indicators

- An important percentage of local clubs and bars participate in the door policy panel.
- The complaint hotline is visible in clubs and restaurants.

- Young people in the city know that they can contact the door policy panel in case of discrimination. (survey among young people in the city, particularly considering members of potentially discriminated groups)
- Young people trust that they can get help from the door policy panel.
- Young people believe that entry policies are fair to all visitors.
- An important percentage of cases are settled in a consensual and satisfying manner.
- Club owners and bouncers think that the revised door policies are useful.

RESOURCES AND INSPIRING PATTERNS

Door Policy Panel Rotterdam (English)

<http://www.databank-antidiscriminatie.nl/en/practicalexample/door-policy-panel-rotterdam>

Website of the Door Policy Panel (in Dutch only)

<http://www.paneldeurbeleidrotterdam.nl/>

Methods:

Situation Testing Manual (Migration Policy Group)

www.migpolgroup.com/anti-discrimination-equality/situation-testing/