

When Customers Shop They Are Seeking A Sort of “Vibe”

If a customer service agent treats someone differently because of their race, ethnicity, or another protected characteristic, that can fall under several concepts depending on what happened and the applicable laws.

Some relevant terms include:

- **Racial discrimination** – Providing worse service, refusing assistance, delaying service, or treating customers differently because of their race.
- **Disparate treatment** – A legal term describing intentional different treatment based on a protected characteristic.
- **Bias or prejudice** – Negative attitudes or stereotypes that influence behavior, whether conscious or unconscious.
- **Customer service discrimination** – A general term for unequal treatment in places of public accommodation (such as stores, restaurants, hotels, banks, or other businesses).
- **Hostile treatment** – Rude, dismissive, or demeaning conduct that targets a customer because of a protected characteristic.

If the specific behavior is that an employee:

- smiles and greets other customers but not certain customers,
- is warm and engaging with others but cold or dismissive toward certain individuals,
- offers assistance to some customers but not others,

those behaviors **could be evidence of discriminatory treatment if they are part of a consistent pattern tied to race or another protected characteristic**. By themselves, however, a lack of smiling or friendliness does not necessarily establish discrimination. Employees can have many reasons for appearing unfriendly, so it's important to look at the broader pattern and whether similarly situated customers are treated differently.

From an organizational or workplace perspective, this behavior may also be described as:

- **Microaggressions** (if subtle, repeated, and tied to stereotypes)
- **Exclusionary behavior**
- **Differential customer treatment**
- **Incivility motivated by bias**

If you believe this occurred, it can be helpful to document objective facts, such as:

- Date, time, and location
- What was said or done

- How other customers were treated in similar circumstances
- Names or descriptions of employees and witnesses
- Any receipts, video, or other evidence

This kind of objective documentation is generally more useful than relying on conclusions about the employee's intent. Whether the conduct amounts to unlawful discrimination depends on the facts, applicable anti-discrimination laws, and the evidence showing that the different treatment was because of a protected characteristic.