



Likestillings- og  
diskrimineringsombudet

# The Equality and Anti-Discrimination Ombud

Pål Magne Ånestad and Knut Oftung

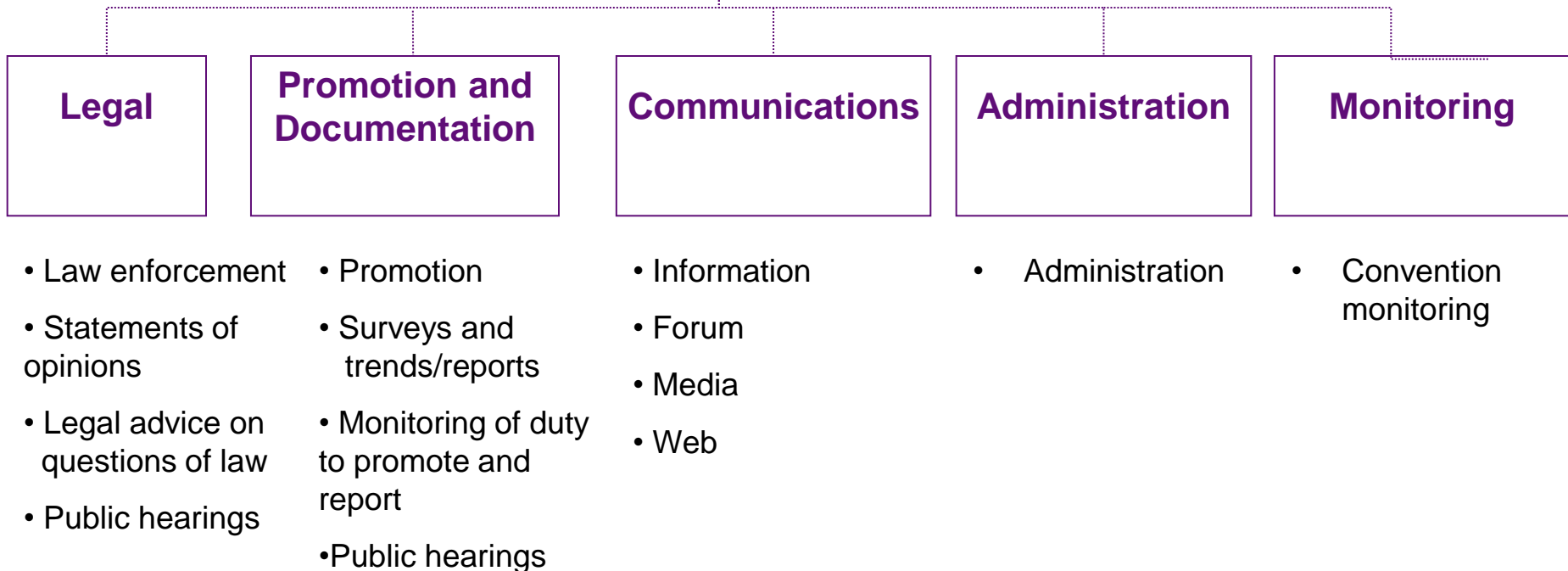
# The Ombud - Structure and organisation

- Established 1 January 2006
- Subordinate to the Ministry of Children, Equality and Social Inclusion
- An independent public administrative agency
- Operates free from the instruction of the Ministry

# Internal organisation



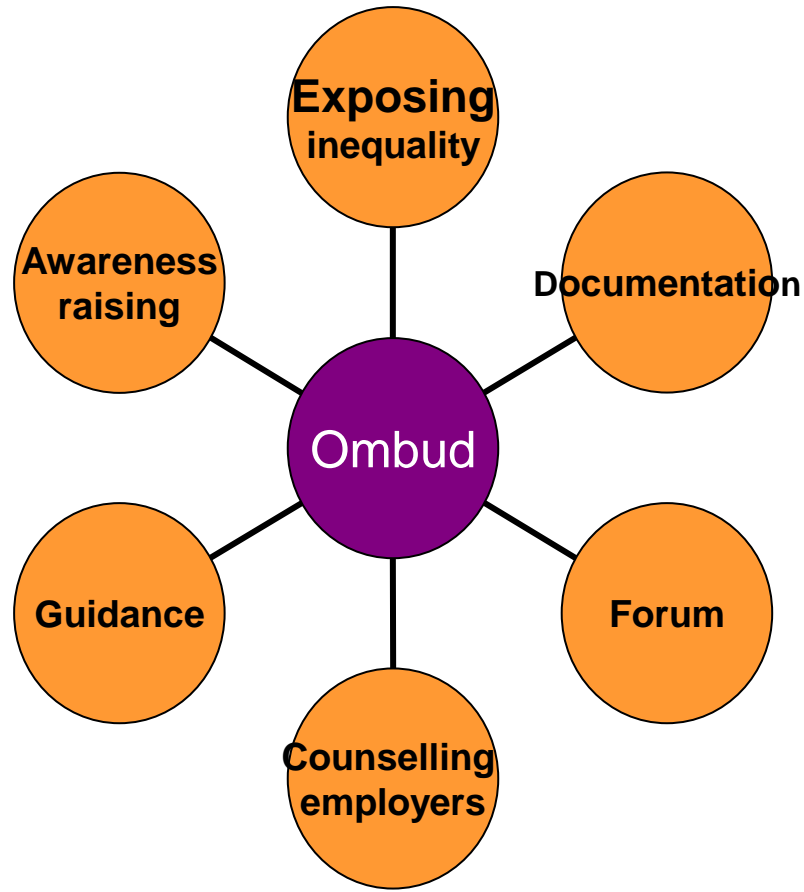
Ombud Sunniva Ørstavik



# The legal foundation

- The Anti-Discrimination Ombud Act
  - Regulates the main tasks of the Ombud and the Equality and Anti-Discrimination Tribunal
  - Regulates the independence of the Ombud from governmental and political instruction

# Main tasks of the Ombud



# Independent Monitoring body

- Equality = Human rights
- CEDAW
- CERD
- CRPD (2013)

# Discrimination grounds

Promote equality and combat discrimination based on:

- Gender
- Ethnicity
- Religion
- Disability
- Age
- Sexual orientation
- Gender identity
- Gender expression

# Legislation

<b>Gender Equality Act</b>	<b>Ethnicity Anti-Discrimination Act</b>	<b>Anti-Discrimination and Accessibility Act</b>	<b>Working Environment Act Chapter 13</b>
<ul style="list-style-type: none"><li>▪ Gender</li><li>▪ Pregnancy</li><li>▪ Maternity &amp; paternity leave</li><li>▪ All areas of society</li></ul>	<ul style="list-style-type: none"><li>▪ Ethnic background</li><li>▪ National origin</li><li>▪ Descent</li><li>▪ Skin colour</li><li>▪ Language</li><li>▪ Religion</li><li>▪ Philosophical view</li></ul>	<ul style="list-style-type: none"><li>▪ Disabilities</li><li>▪ Universal design –Planning and Building Act</li><li>▪ Employment</li><li>▪ Facilitation</li></ul>	<ul style="list-style-type: none"><li>▪ Political view</li><li>▪ Union memberships</li><li>▪ Age</li><li>▪ Facilitation (chapter 4)</li><li>▪ In cases of employment</li></ul>



# Legislation

<b>Sexual Orientation Anti-Discrimination Act</b>	<b>Housing laws</b>
<ul style="list-style-type: none"><li>▪ Sexual orientation</li><li>▪ Gender identity</li><li>▪ Gender expression</li></ul>	<ul style="list-style-type: none"><li>▪ All grounds</li><li>▪ In cases of housing</li></ul>

# Prohibition against discrimination

## Main rule

- It is prohibited to discriminate, directly or indirectly, on any of the statutory discrimination grounds.

## Exemption

- In cases where the differential treatment is necessary in order to achieve a legitimate aim, and the treatment does not involve a disproportionate intervention in relation to the person so treated.

# Forms of discrimination

- Direct or indirectly
- Affirmative action
- Complicity
- Instruction
- Harassment
- Retribution

# The Ombud as a law enforcer

- An alternative to courts of law
- Free of charge
- Handles complaints about violations of law
- Gives legal advice
- Also take on cases by its own initiative

# The Ombud's statements of opinion

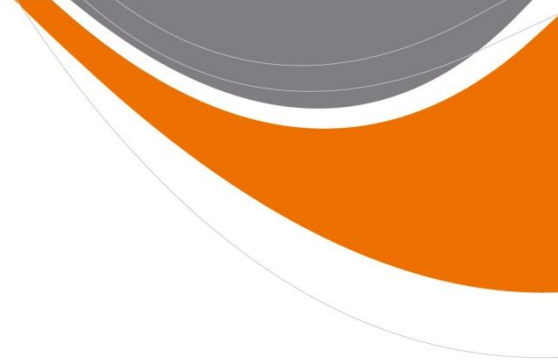
- Not legally binding
- No power to sanction our opinions
- Statements can be appealed to The Equality and Anti-Discrimination Tribunal
- Civil Courts can overrule

# The Norwegian paradox

- Today everything is set for gender equality regarding work-life balance in Norway
- Still we have great differences between men and women regarding time use, equal pay and sector segregation in the labor market.

## A political will to facilitate the work-life balance

- High labor force participation among women
- Family politics in working life (part time, breaks for breastfeeding, parental leave, leave due to sick children)
- High proportion of women in higher education
- Available day care
- From breadwinning fathers to participating fathers
- Strengthening of The Gender Equality Act
- High proportion of women in higher education



- In spite of all this - the Ombud's office receives many complaints about for examples pregnancy related discrimination in working life







Some historic explanations of the paradox



# Norwegian classroom, 1969



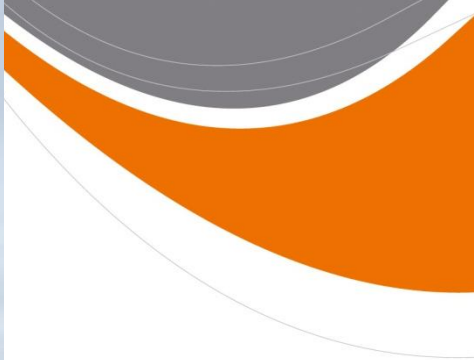


# Housewife society



# The breadwinning father





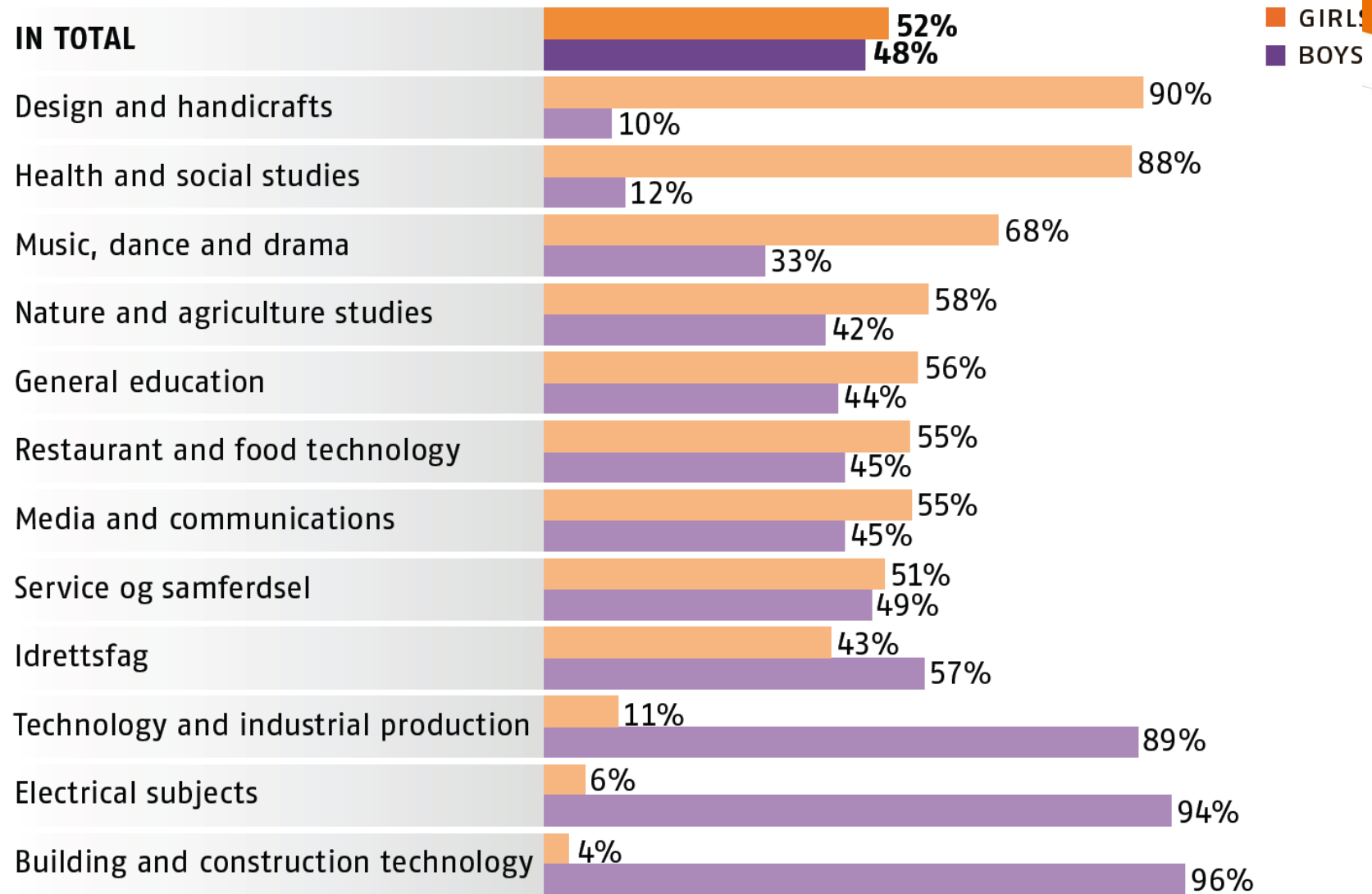
# Modernity

- expansion of the welfare state
- need of labor force
- women entered the labor market
- education revolution
- social and geographic mobility

# Gender distribution in upper secondary education, vocational subjects

School year 2006–2007

Source: SSB



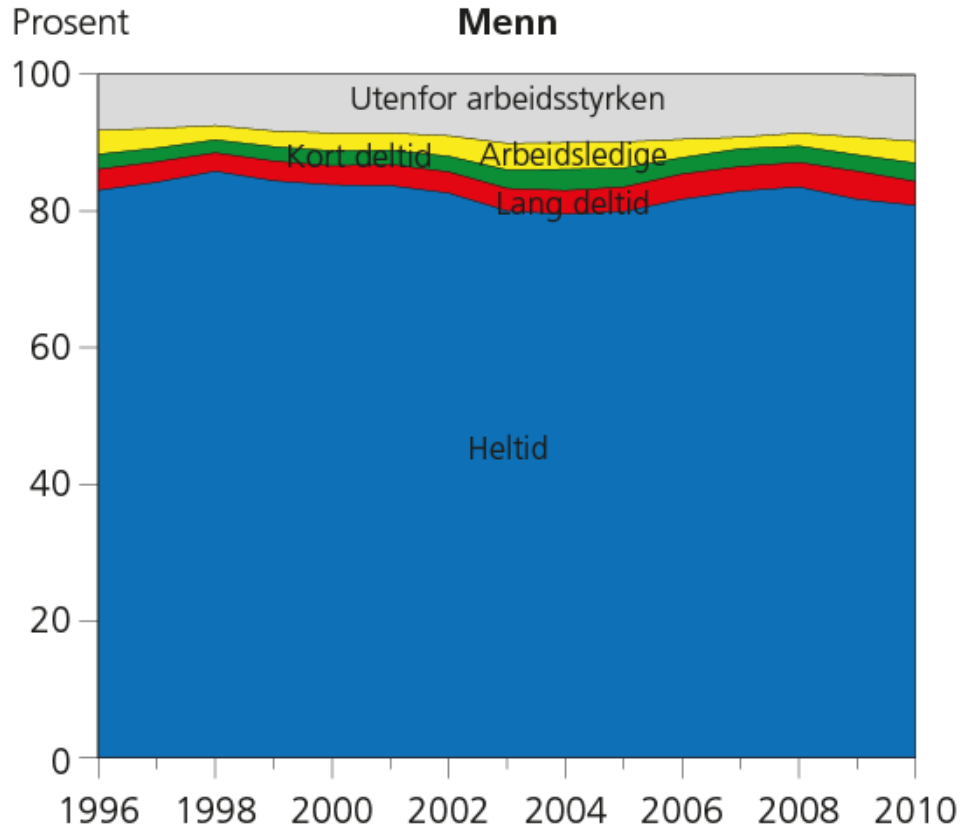
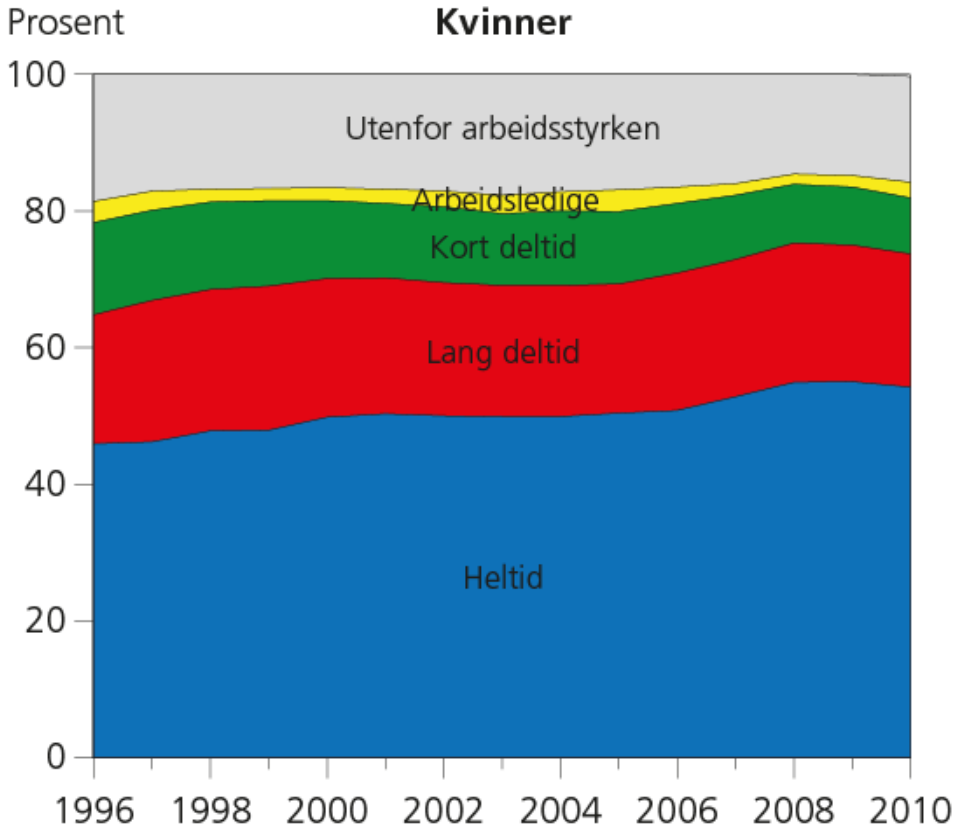


Housewives become part-time workers





# Yrkesaktivitet og arbeidstid blant kvinner og menn 25-54 år

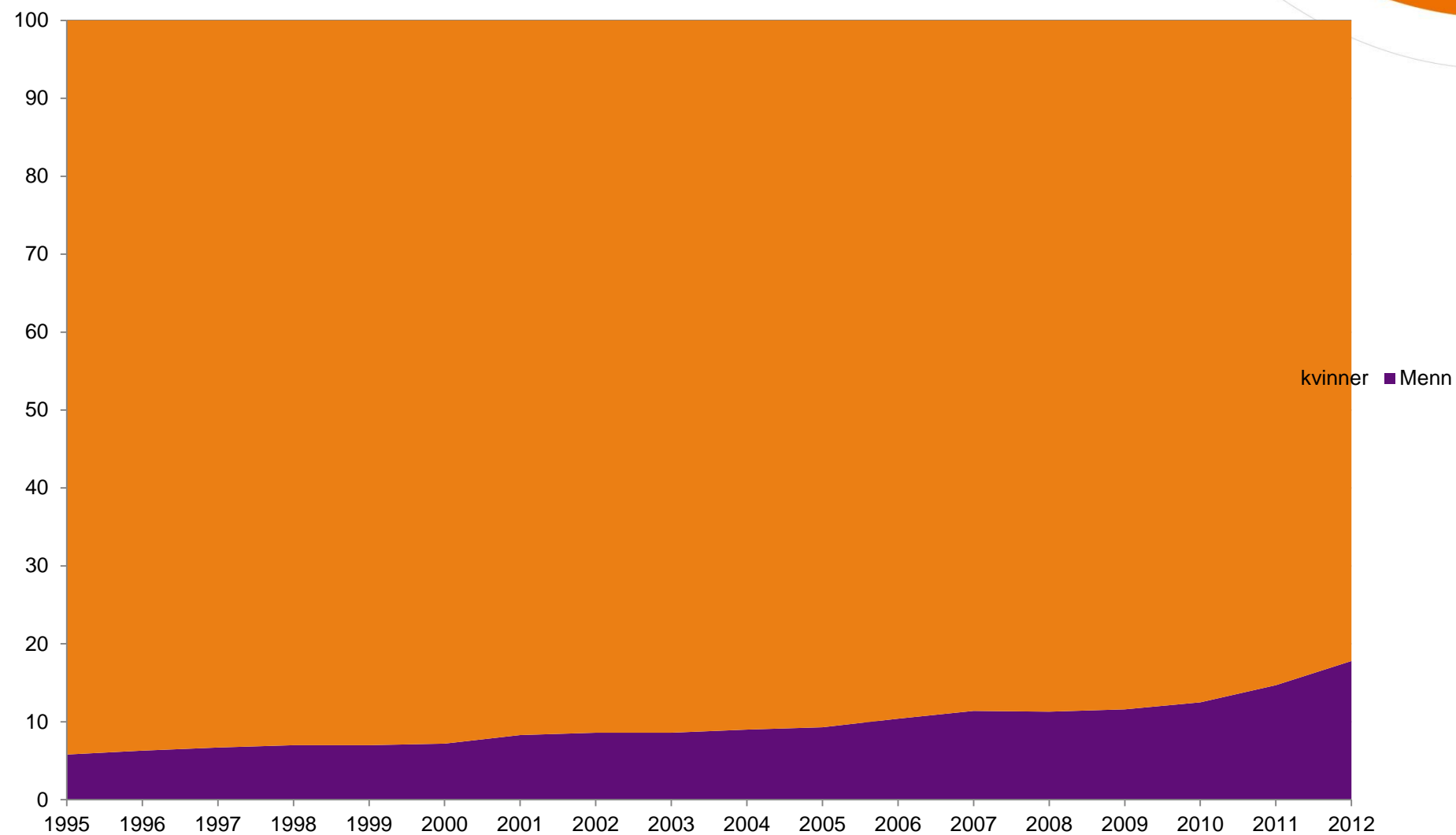


Kilde: Arbeidskraftundersøkelsene, Statistisk sentralbyrå

# The helping father



# Fathers share of parental leave days



# Time spent on paid work and house work/care

Tabell 3.1 Tid brukt til inntektsgivende arbeid og familiearbeid blant giftesamboende fedre og mødre med barn 0–14 år. Gjennomsnitt per dag, timer og minutter. 1970–2010.

	Fedre					Mødre				
	1970	1980	1990	2000	2010	1970	1980	1990	2000	2010
Inntektsgivende arbeid	6,14	5,49	5,35	5,32	5,16	1,18	2,02	2,31	3,12	3,42
Familiearbeid totalt	2,31	2,51	3,10	3,22	3,50	7,25	6,12	5,56	5,12	5,18
Vanlig husarbeid	0,35	0,44	0,44	0,55	1,04	5,00	3,29	2,42	2,07	2,03
Vedlikeholdsarbeid	0,46	0,40	0,34	0,38	0,41	0,12	0,14	0,15	0,14	0,18
Omsorg for barn	0,23	0,40	0,58	0,50	1,03	1,20	1,35	2,00	1,38	1,43
Annet familiearbeid	0,47	0,48	0,54	0,59	1,02	0,53	0,54	1,00	1,13	1,15
Antall observasjoner	1297	1100	812	805	885	1405	1195	1028	826	909

Kilde: Statistisk sentralbyrås tidsbruksundersøkelser 1970–2010.

## What is the paradox

- Gender equality politics makes it possible for women to combine work and family,
- BUT it also cements the gender stereotypes because fathers use them less or do not use them at all

# How can we explain the paradox?

- Working mothers make most use of the welfare benefits
- This makes working mothers less attractive in the labor market
- This is an important mechanism for discrimination

# What can we do with the paradox?

- What is the prevalence of pregnancy related discrimination in the Norway

Without having the possibility to combine paid work and caring for children, there can be no equality between men and women

We need men to use family friendly arrangements in the same way that women do

We need employers to respect the act and see the benefits in having a non-discriminatory policy

# A campaign against pregnancy related discrimination





# Campaign strategy



# Target groups

- Jobseekers and employees
  - Expectant parents
  - Parents on leave
  - Young people
- Employers

# The social partners

- In Norway the social partners hold an influential position
- There can be no change in the working life without contribution from the social partners
- Cooperation with the social partners

# Campaign elements



# Digital campaign about rights

- Campaign webpage
- Facebook page
- Ads
- Quiz
- Cartoons
- Infographics

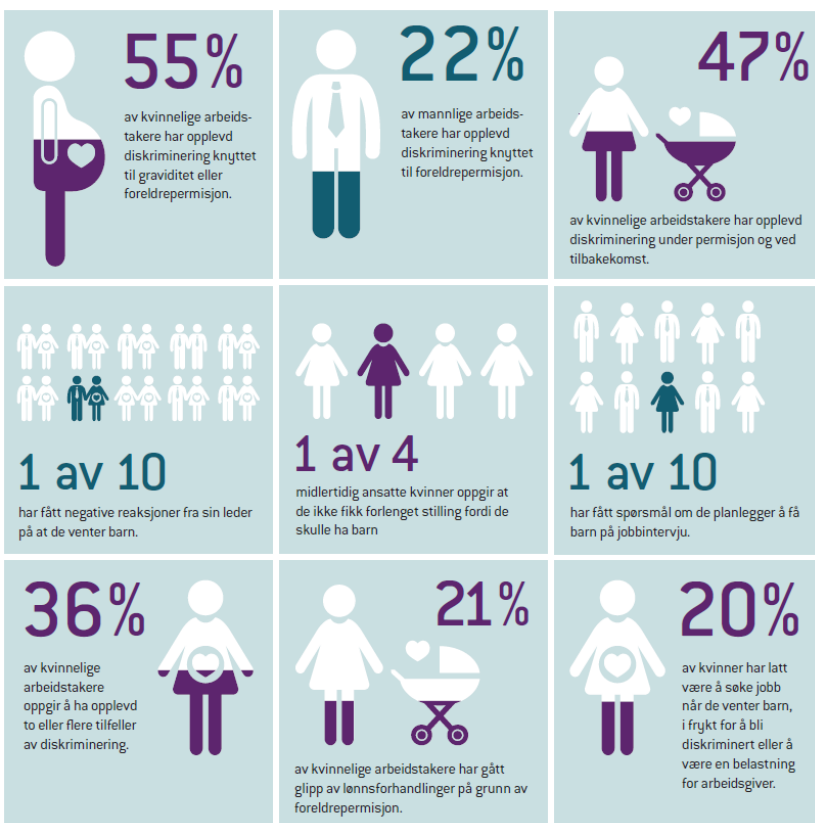
**KVALIFISERT**

**DISKRIMINERT**



# Digital Campaign Elements

## Infographics



## Cartoon



Her er en av tegneseriene jeg har laget for Likestillingsombudets #kvalifisertdiskriminert kampanje. Folk som skal ha barn har nok med å lage et nytt menneske (!!), de bør slippe å bekymre seg for om det påvirker jobbmulighetene deres i tillegg.



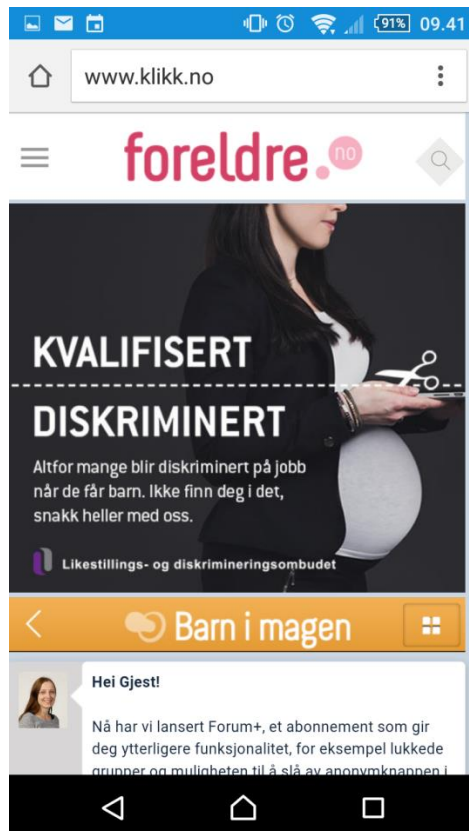
Unlike · Comment · Share

You, Markus Ekomnes Myhre and 665 others like this.

19 shares

# Digital Campaign Elements

## Advertisement



## Facebook



## Results from the digital campaign

<b>New likes</b>	<b>Visits to LDO.no</b>	<b>Ads shown to</b>
<b>656</b>	<b>46 529</b>	<b>636 691</b>





# Guide for employers

## Best practices



### De gode løsningene

Dette gjør de beste virksomhetene.

- Interview with employers who don't see pregnancy and parental leave as a problem

# Guide for employers

## Don't make these mistakes



**Ikke gjør disse feilene**

Slik bryter norske virksomheter loven.

- The Gender Equality Act

# Guide for employers

## Test your company



### Test din virksomhet

Slik unngår du å diskriminere: Ta testen og gjennomfør sjekklisen.

- Check list: How does your company score?

# Checklist



## Sjekklisten

### Slik unngår du å diskriminere

Ta LDOs sjekkliste og finn ut om din virksomhet står i fare for å diskriminere gravide eller medarbeidere i foreldrepermisjon. Kryss av i sjekkboksen hvis utsagnet stemmer for deg.

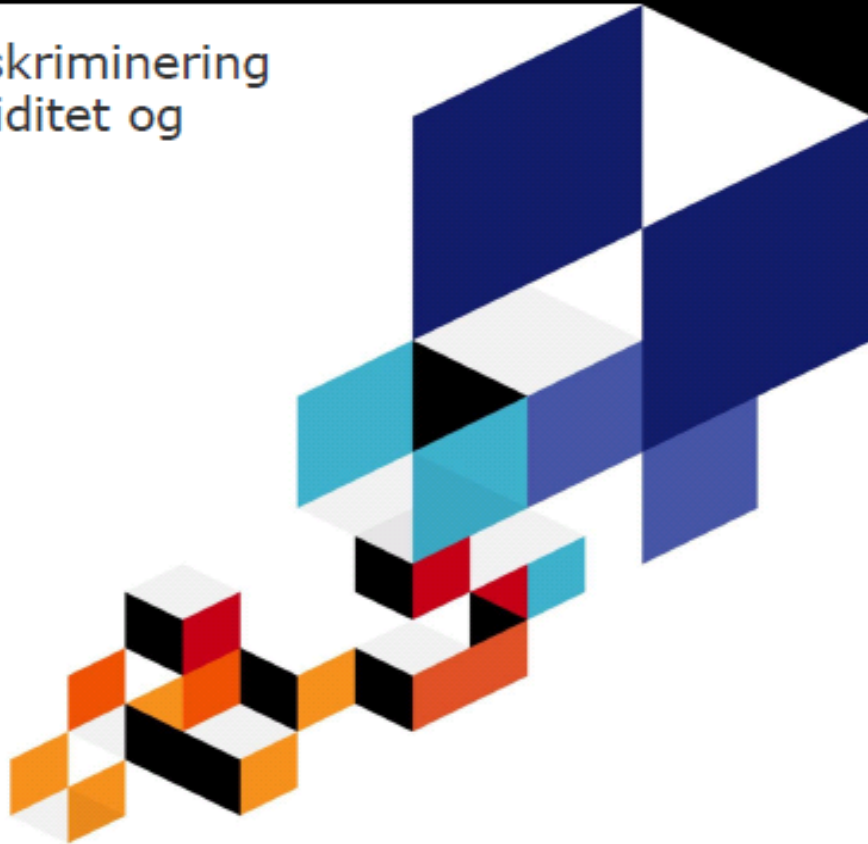
Vi vet at diskriminering av gravide og folk i foreldrepermisjon er ulovlig.

#### VED REKRUTTERING

1. Vi spør ikke om graviditet eller permisjon under jobbintervjuer.
2. Vi utelukker ikke kandidater fordi de er gravide eller skal ut i foreldrepermisjon.
3. Dersom jobbsøkeren selv er åpen om graviditet og permisjon spiller ikke det negativt inn på muligheten for å få jobb hos oss.
4. Vi er kjent med at NAV dekker mange utgifter forbundet med graviditet og foreldrepermisjon.

# Survey on discrimination on the basis of pregnancy and parental leave

Undersøkelse om diskriminering  
på grunnlag av graviditet og  
foreldrepermisjon



Undersøkelse om diskriminering

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## Survey facts

- 2000 respondents
  - 56 % women
  - 44 % men
- Women and men who had become parents during the period 2008-2014

# The questions

- Questions on the basis of the provisions in the Norwegian Gender Equality Act:
  - Experiences in relation to applying for jobs, at work when expecting a child, during and after parental leave.
- Negative experiences, not necessarily illegal



# Examples from the questionnaire

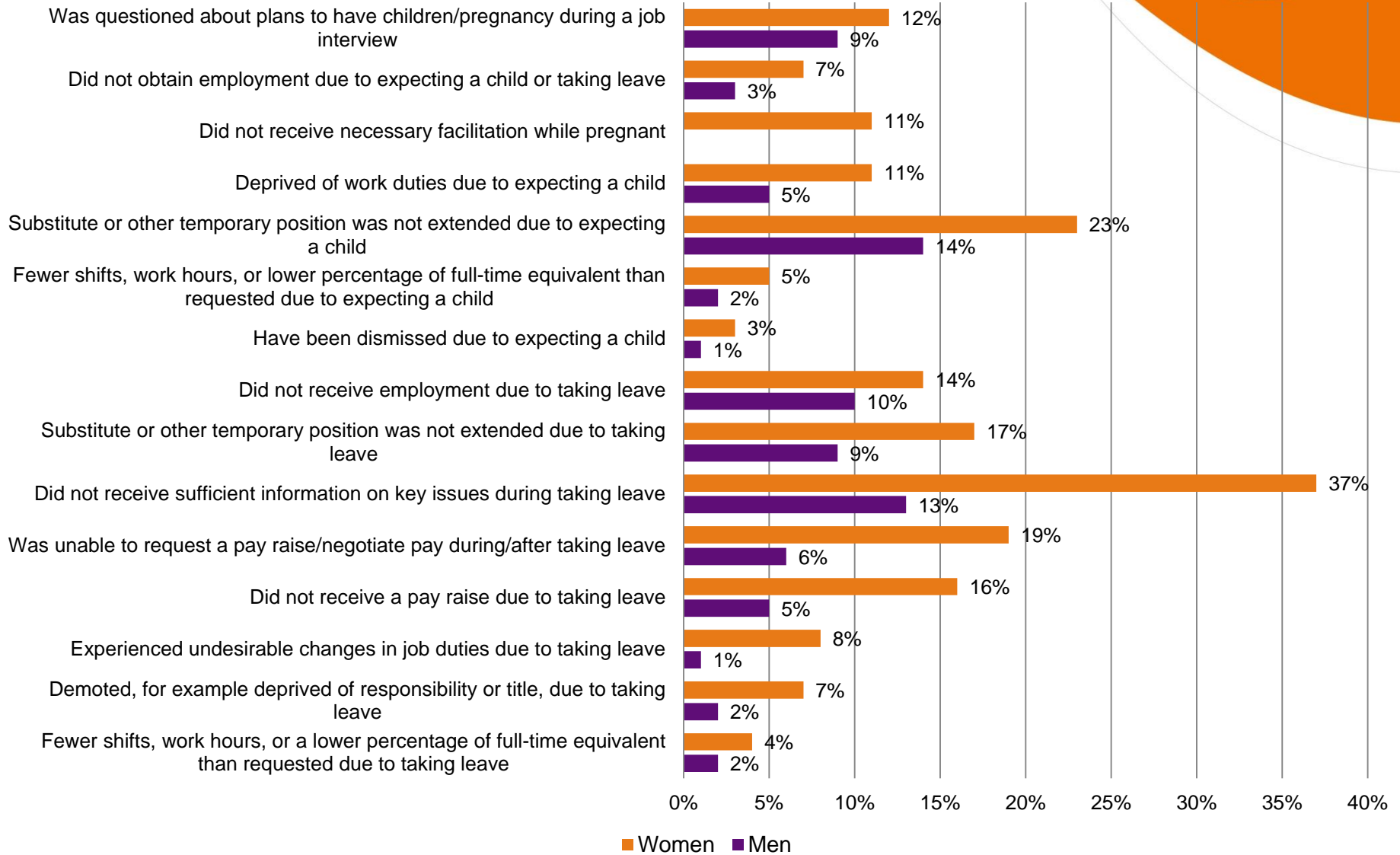
- Have you ever been asked if you were planning to have a child or if you were expecting a child/pregnant in connection with interviews/processes of seeking employment?
- Have you been denied an extension of a substitution position or other temporary position because you were on leave in connection with childbirth?
- Have you been demoted, for example deprived of responsibility or title, after returning from leave in connection with childbirth (in the period 2008-2014)?



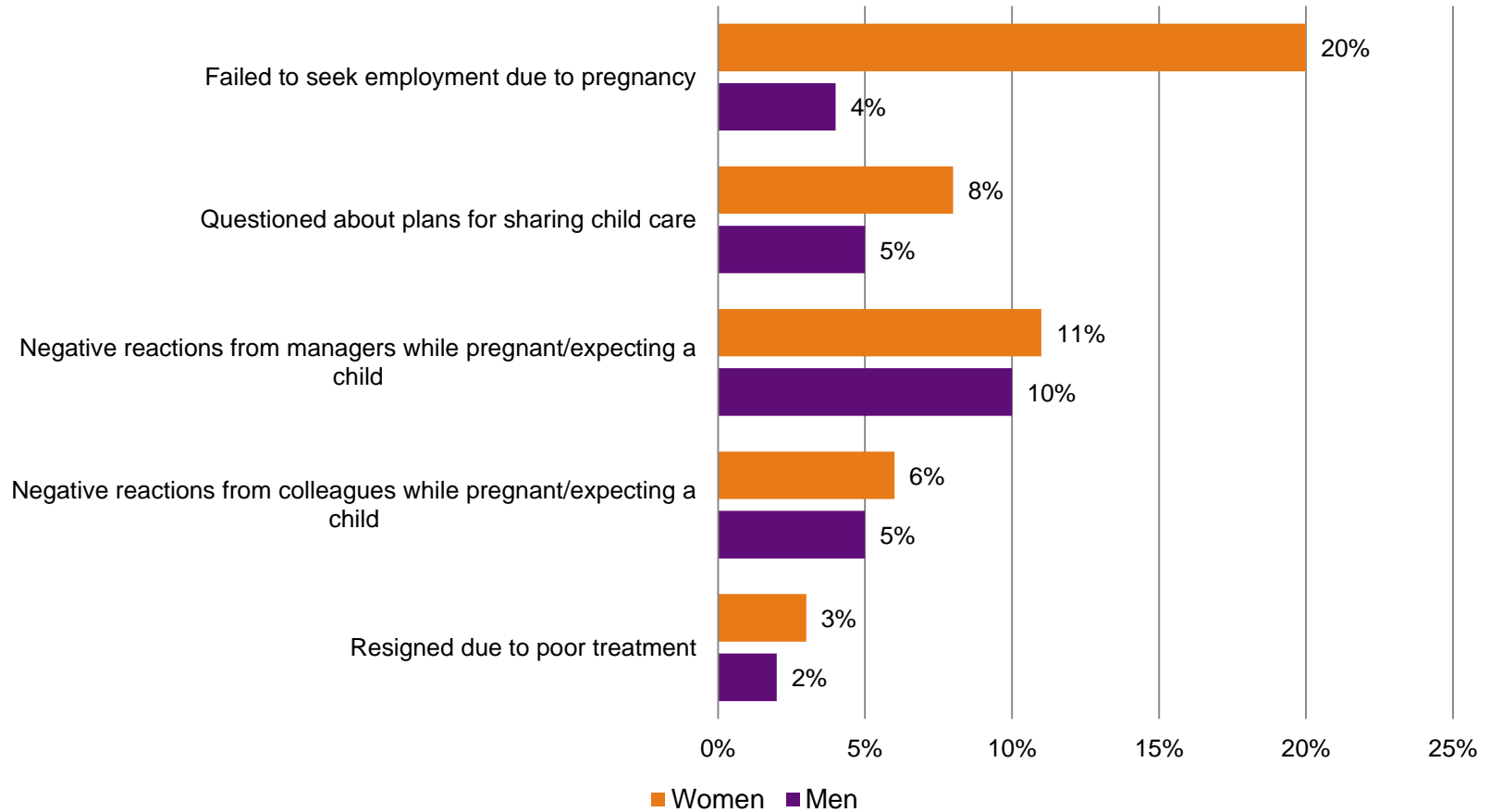
## Main findings

- The survey shows that workers experience discrimination:
  - Throughout the working life
  - In both public and private sector
  - In every branch
  - In all parts of the employment relationship

# Subjective Experiences of Discrimination



# Other negative experiences



# Recommendations for action



# Recommendations for action

1. Further strengthening of the legislation:
  - a) Sanctions
  - b) Individual accommodation
  - c) Positive duties/prevention of discrimination
  - d) Compulsory equality training
2. Binding cooperation between the social partners
3. The offer of equality training must be expanded and adapted to the workplace
4. Access to information about rights

## 1 a) Sanctions

- Violation of the equality- and anti-discrimination legislation must have consequences
- The Equality and Anti-discrimination Tribunal must have the competence to impose redress

## 1 b) Individual accommodation

- There must be a clear obligation to provide individual accommodation to pregnant workers
- A specific provision must be introduced/imposed



## 1 c) Positive duties

- Legal prohibition is not sufficient to avoid discrimination
- Employers must have a legal obligation to prevent discrimination in the workplace

## 1 d) Compulsory equality training

- There must be a legal obligation regarding equality training for employers and company representatives
- Training in how to promote equality and combat discrimination in the workplace
- Today the training is optional



## 2. Binding cooperation in the tripartite cooperation

- No changes in the labor market without involving the social partners

### 3. The offer of equality training must be expanded

- In every region
- Sector wise adaption

## 4. Access to information about rights

- Pregnant women and fathers to be must be guaranteed information about their rights