



Likestillings- og
diskrimineringsombudet

The Equality and Anti-Discrimination Ombud

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The Ombud's office



Ombud Sunniva Ørstavik

Law enforcement

- Law enforcement
- Statements of opinions
- Public hearings

Guidance

- legal advice on questions of law
- Information
- Guidance to employers

Monitoring conventions

- CEDAW
- CERD
- CRPD
- Monitoring
- Reporting
- Public hearings

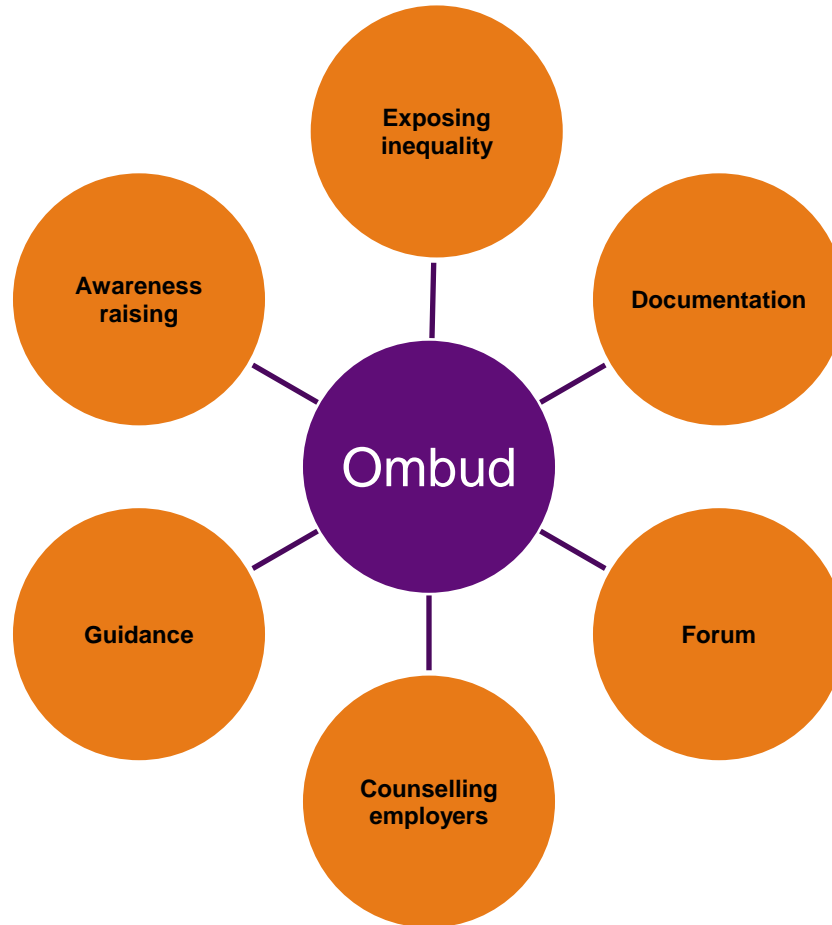
Communication

- Information
- Forum
- Media
- Web

Administration and HR

- Administration
- Human Resources
- Economy

Main tasks

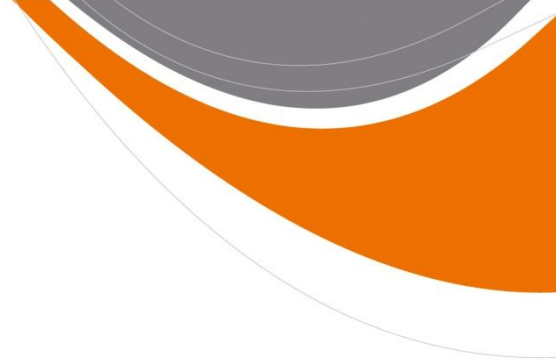


Structure and organisation

- The Ombud – established 1 January 2006
 - Integrates three former offices
 - An Independent public administrative agency
 - Subordinate to the Ministry of Children and Equality Affairs
 - Free from instruction from the Ministry
 - the Equality and Anti-discrimination Tribunal

The Equality and Anti-Discrimination Tribunal

- Administrative body
- Makes legally binding decisions in individual cases
- Orders measures to prevent and rectify discriminatory conditions
- Issues coercive fines



The «User Committee» - Why and how?





Norwegian legislation on equality and non-discrimination

Legislation and structure

- Gender Equality Act 1978, 2013
- Anti-discrimination Act 2005, 2013
- Discrimination and Accessibility Act 2008, 2013
- Discrimination Law on Sexual Orientation (gender expression and gender identity) 2013
- Other legislation
 - Labour Environment Act (political opinion, labour unions, age, sexual orientation)
 - Housing legislation (sexual orientation)
- CEDAW, CERD and CRPD
- Anti-discrimination Ombud Act
 - Structure and organisation, Roles and tasks

History

- It all started with the Gender Equality Act of 1979
- Purpose: Promote gender equality
- The Gender Equality Ombud was established at the same time to enforce the Act
- Creation of The Equality and Anti-Discrimination Ombud 2006, Anti- Discrimination Act plus housing laws. DTL 2009
- Fragmented legislation
- New anti-discrimination Acts of 2013. Harmonizing purpose

- Thank you!

The Equality and
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Sexual harassment in the work place

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A short story...





Forbudet mot trakassering i arbeidslivet

–
(seksuell trakassering, trakassering på grunn av kjønn, nedsatt funksjonsevne, etnisitet mv., alder, politisk syn, medlemskap i arbeidstakerorganisasjon, seksuell orientering, kjønnsidentitet og kjønnsuttrykk)

The case...

- Young girl (17 years old)
- Male dominated work environment (electrician)
- Older man harassing
- Did not realize she was being harassed
- Other male colleagues were told to avoid her as a solution to the “problem”



What is sexual harassment?

The Gender Equality Act:

Section 8. *Prohibition against harassment*

Harassment on the basis of gender and sexual harassment shall be prohibited.

“Harassment on the basis of gender” shall mean acts, omissions or statements that have the effect or purpose of being offensive, frightening, hostile, degrading or humiliating. “Sexual harassment” shall mean unwanted sexual attention that is troublesome to the person receiving the attention.

What is sexual harassment?

- Verbal, non verbal, actions
- The context of the situation
 - Time and place
 - Power imbalance
 - Did the victim say or in any other way express that the attention was unwanted (not a condition, but can be given influence on the case)
- «(...) troublesome to the person receiving the attention» - the victim's perception of the situation should be given considerable weight

How does the Ombud work with cases relating to sexual harassment?

- The Ombud do not enforce the prohibition of sexual harassment (The Gender Equality act section 8)
 - Enforced by national courts
 - The Supreme court in Norway: Total of six cases regarding sexual harassment
- The Ombud enforces the employer's duty to preclude and prevent [sexual] harassment
 - The Gender Equality Act section 25:
«Employers shall preclude and seek to prevent the occurrence of harassment contrary to section 8.»

Some statistics

12 % of women say they have been exposed to unwanted sexual attention, comments etc. a few times a month or more often

(Statistics Norway, 2014)

Who are most exposed to sexual harassment?

- *Nurses*
- *Service workers (hotels and restaurants)*
- *Shop and market sales workers*

(Statistics Norway, 2014)

The Ombud's work relating to sexual harassment in the work place

- Giving legal advice to employers, employees, trade unions etc. (both oral and in written)
- Working towards providing a low threshold service to those subject to sexual harassment (free of costs)
- Giving legal training to employers, trade unions and other organizations
 - «Train the trainers» (union representatives)
- Giving conclusive statements in cases → Gender Equality Act section 25



The Gender Equality Act section 25:

«Employers shall preclude and seek to prevent the occurrence of harassment contrary to section 8.»

The scope of our cases

- The Ombud has received in total 70 inquiries relating to sexual harassment (since 2005)
- In 7 cases the Ombud has given a conclusive statement
- 4 cases are currently being processed

What does the duty of employers entail?

The duty to preclude

- To have a clear and spoken zero tolerance towards [sexual] harassment
- To have practical training for the employees (at all levels) in relating to what [sexual] harassment is
- To have a standard routine when receiving a notice about [sexual] harassment

How should the employer handle a notice about sexual harassment?

1) Meeting with both parties (separately)

- Try to find out what has happened
- If there is reason to believe a criminal offense has taken place – assess if there should be pressed charges

3) If the meetings exposes that there is reason to press charges or other measures should be taken, this should be written

2) Having written reports after relevant meetings

- Why was the meeting set up?
- What was discussed?
- What further measures will be taken?
- The people who were present should sign the report from the meeting to make sure that there is a mutual understanding of what was said and agreed upon

4) A follow up meeting with the offended

- Has the harassment stopped?



Thank you for your attention!

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