

Norway's replies to questionnaire from the UN Working Group on the Issue of human rights and transnational corporations and other business enterprises

- 1. In what ways do women experience the impact of business-related human rights abuses differently or disproportionately? Please provide concrete examples in the context of both generic and sector- or region-specific experiences of women.**

We do not consider this question relevant in the Norwegian context.

- 2. Please share any good practices on how to deal with increased marginalisation or vulnerabilities faced by women due to intersectionality, feminsation of work, informal economy, and conflicts.**

Norway has a high degree of gender equality in society, including in working life. We have strong legislation that protects workers (the Working Environment Act - <https://lovdata.no/dokument/NLE/lov/2005-06-17-62> and the Equality and Anti-Discrimination Act - <https://lovdata.no/dokument/NLE/lov/2017-06-16-51>). Workers who experience discrimination related to gender or other grounds may seek advice from the Equality and Anti-Discrimination Ombud and/or file a complaint with the Anti-Discrimination Tribunal (see the Equality and Anti-Discrimination Ombud Act - <https://lovdata.no/dokument/NLE/lov/2017-06-16-50>). The Ombud and the Tribunal make up a low threshold and free of charge alternative to lawyers and courts of law in discrimination cases.

Strong workers' unions and the Labour Inspection Authority are also in place to improve conditions in working life.

- 3. How to address sexual harassment and sexual or physical violence suffered by women in the business-related context, including at the workplace, in supply chains and in surrounding communities? Please share any good practices which have proved to be effective in dealing with sexual harassment and violence against women.**

The purpose of the Working Environment Act is to ensure safe working conditions and equal treatment among workers, and to ensure that the working environment forms a basis for a health-promoting and meaningful work situation.

The Working Environment Act and the Equality and Anti-Discrimination Act prohibit sexual harassment at workplaces. The Government has sent out for public consultation a proposal to strengthen the guidance and assistance to victims of sexual harassment, and a proposal to extend the Anti-Discrimination Tribunal's authority to handle cases of sexual harassment.

The Equality and Anti-Discrimination Ombud and the Labour Inspection Authority have, together with the social partners, launched a campaign to make employers prevent sexual harassment. A guide and a course has been developed, and the Labour Inspection Authority is following up in their inspections in the hotel and restaurant business.

The employer is responsible for complying with the requirements of the Working Environment Act, and for ensuring that the enterprise maintains a healthy and safe working environment.

Violence and threats of violence are important risk factors for long-term sick leave. Such risk factors are present in many occupations and industries, for example health and social work. In 2016, the administrative regulation on the conduct of work (Regulation No. 1357 of 11 December 2011, Forskrift om utførelse av arbeid) was amended, imposing stricter obligations on companies to assess the risk of threats and violence against their employees as well as to train their employees on how to prevent and deal with threats and violence.

4. Which State laws and policies or social, cultural and religious norms continue to impede women's integration into economic activities and public life generally?

Gender stereotypes, which among others lead to gender segregated education choices and a gender segregated labour market, continue to impede women's full integration into economic activities. The Government has appointed the public committee #UngIDag (Young Today) to look into the consequences of the explicitly defined gender roles children and youth grow up with, for instance regarding education and working life.

5. Are there any good practices of integrating a gender perspective into States' economic sphere (e.g. state-owned enterprises, public procurement agencies, trade missions, export credit agencies, privatisation of public services, public-private partnerships, and trade and investment agreements)?

There is an obligation by law for both genders to be represented on the board of directors of companies wholly owned by the state. The same applies to public limited liability companies generally. The state strives for equal representation of the sexes in nominating board members, and aims to increase the proportion of female chair of the board in companies in which the state has a holding. The proportion of women among (i) owner-appointed board members and (ii) chairs in companies in which the state has a holding were as of 31 March 2018 47 % and 45 % respectively.

The State as an owner has clear expectations to the board of the companies in which the state has a holding to work on gender equality and diversity. Boards are expected to ensure that human resources policy is characterised by inclusivity and diversity and that companies in which the state has a holding have established strategies and implemented initiatives to promote equality and diversity in their organisations. Company succession planning should incorporate strategies for making the most of leading expertise in the company, including how to encourage more women to seek senior management positions.

Women are under-represented amongst entrepreneurs in Norway. The Norwegian Government wishes to encourage social development by making use of the resources of both women and men. Entrepreneurship is one important aspect of this. As women and girls lack successful women as role models, Innovation Norway launched the award Female Entrepreneur of the Year in 2009. This award had so far been successful and has given female entrepreneurs higher attention.

The Government has published the report "The Distribution of financial resources between women and men, and gender disparities in health": <https://www.ssb.no/en/befolkning/artikler-og-publikasjoner/the-distribution-of-financial-resources-between-women-and-men-and-gender-disparities-in-health>

Statistics Norway publishes indicators for gender equality in municipalities, available in English: <https://www.ssb.no/en/befolkning/statistikker/likekom>

6. How could policy coherence be improved between different government ministries or departments dealing with women issues and business-related matters?

The Norwegian Instructions for Official Studies set mandatory requirements for the preparation of central government measures. There is a comprehensive guidance document that explains and specifies the requirements. In addition, there is a separate guidance document about effects on gender, disability, ethnicity, religion etc. This guide will be updated in accordance with recent legal amendments.

The Instructions require public consultations of new policies and laws. The consultation process gives the affected parties the opportunity to comment on the Government's proposal.

The Directorate of Children, Youth and Family Affairs arranges training for civil servants in the ministries and directorates about how to work on equality issues.

There is also a high-level ministerial working group for gender equality issues, led by the Ministry of Children and Equality, where different issues regarding gender equality are brought up for discussion.

7. What is the extent to which businesses currently apply a gender lens in conducting human rights due diligence, including social or environmental impact assessment?

The International human rights conventions establish the foundation for the Norwegian equality and anti-discrimination regulation. The Equality and Anti-Discrimination Act entered into force on January 1st 2018. The Act prohibits discrimination, among others, on the grounds of gender.

According to the act, employers have a legal duty to make efforts to promote gender equality. The Equality and Anti-Discrimination Act section 26 states that all employers shall make active, targeted and systematic efforts to promote equality and prevent discrimination on the basis of (among others) gender, pregnancy, leave in connection with childbirth or adoption, care responsibilities, gender identity and gender expression. These duties include gender-perspective in combination with other grounds of discrimination, and the duties encompass a wide range of various matters such as recruitment, pay and working conditions, promotion, development opportunities, accommodation, the opportunity to combine work with family life and preventing harassment. The obligation to make active efforts does not outline specific measures to be taken, but calls upon the employer to design measures that address the discrimination challenges faced by the enterprise.

Further, all public undertakings, regardless of size, and private undertakings that ordinarily employ more than 50 persons shall, in the context of their operations, apply a specified work method in their gender equality work. These undertakings shall a) investigate whether there is a risk of discrimination or other barriers to gender equality, b) analyse the causes of identified risks, c) implement measures suited to counteract discrimination and promote greater equality and diversity in the undertaking, and d) evaluate the results of efforts made pursuant to a) to c). These efforts shall be made on an ongoing basis and in cooperation with

representatives of the employees. Also employer and employee organisations are obliged to promote equality and prevent discrimination on the basis of gender.

Further, public authorities have a special responsibility to promote gender equality and prevent discrimination. Public authorities shall consider gender impact and apply a gender lens in public policy and all other activities (mainstreaming).

In July 2018 the Norwegian Ministry of Children and Equality sent a proposal to amend the Equality and Anti-Discrimination Act on a public consultation. The proposed amendments include, among others, revised legal provisions on enterprises' duty to implement gender equality efforts, including new provisions of wage statistics, duty to map the extent of involuntary part-time employment and duty to implement measures to prevent gender based violence in the work-place. The proposed amendments also oblige enterprises to report on their gender equality work.

The guide "*A Human Rights Due Diligence in Global Supply Chains*" describes a model for enterprises to carry out due diligence to prevent human rights violations:

<https://www.regjeringen.no/no/dokumenter/a-guide-to-human-rights-due-diligence-in/id730052/>

Systematic gathered, comprehensive data on the extent to which business apply a gender lens in conducting human rights due diligence, is unfortunately not available.

However, research on the gender balance in top positions shows that the extent to which undertakings apply measures to enhance gender equality varies across sectors.

Finally, there are ongoing activities to promote the structural gender equality in work-life. For instance, a pilot-project, Equality in work-life (Likestilt arbeidsliv), conducted in the time-period of 2016-2018, launched a voluntary gender-equality certification system for public and private enterprises. This certification system is based on a gender analysis in the undertakings, and the certification shall be conducted by external, professional certifiers.

8. Are there any good practices of business enterprises adopting a gender perspective in making human rights policy commitments, addressing the gender wage gap and under-representation of women in boards and senior positions, or involving affected women in meaningful consultations and remediation processes?

We refer to the research of CORE – Centre for Research on Gender Equality for detailed information: <https://www.samfunnsforskning.no/core/english/>

Some good examples of projects aiming at improved gender equality in working life are:

- Girls and Technology, a project aimed at recruiting more girls to STEM.
- Men and Health, a project aimed at recruiting men to health and care work.
- Female Future, The Confederation of Norwegian Enterprise (NHO) leadership programme for female talents.
- Equal Working Life, a pilot project in the southern part of Norway (Agder) to establish a certification standard for equality in business.

Norwegian legislation requires that both sexes shall be represented on each company's board of directors by approximately 40 per cent. This rule came into force on 1st of January 2006. The rules apply to public limited companies and all state-owned enterprises, inter-municipal companies, large co-operatives and private limited companies where municipalities own 2/3 or more of the shares. The rules do not apply to privately owned limited liability companies, which constitutes by far the largest number of companies.

Funded by the Ministry of Children and Equality, CORE – Centre for Research on Gender Equality, publish the CORE Norwegian Gender Balance Scorecard every second year. The scorecard maps the gender balance of the executive committees and boards of the 200 largest companies by total revenue in Norway. As the scorecard traces development over time, it also represents a tool to track progression regarding gender balance among top positions in Norway.

The scorecard shows that only 22 % women hold top positions in the 200 largest companies in 2018. Furthermore, only 21 of the 200 largest companies have female CEOs. The scorecard also illustrates that while men top executives often hold operative line positions (84 % of all line positions), women top executives more often hold staff/support positions without profit and loss responsibility, such as communication and HR.

There is also a strong political focus on the governments expectations regarding gender equality in the business world, and especially regarding the lack of women in CEO positions. The Minister of Trade and Industry and the Minister of Children and Equality have had multiple meetings with CEOs in some of the largest companies in Norway to learn about what they do to promote female CEOs and gender equality in in the top executive committees. They have also had a meeting with representatives from the recruitment business to learn about their work with recruitment to find female CEOs.

Employees have, on certain terms, the right to elect employee representatives to the company board. Employee directors are elected by the whole workforce and they must themselves be employees. In relation to employee directors, the legislation requires that both sexes must be represented if two or more board members are elected by the employees. This does not apply if one sex makes up less than 20 present the workforce. The right to elect employee representatives as directors is contained in a number of different laws, and most forms of companies are covered.

In Norway, the social partners are responsible for conducting wage negotiations. The authorities act as legislator and facilitator.

A wage committee "The Technical Calculation Committee for Wage Settlements" publish annual development in prices and wages, including wage trends for woman and men separately. The committee has representatives both from the authorities and from the social partners.

Norway has also established a working group (with the authorities and the social partners) that discusses different questions around gender equality in working life. Also in this group, issues regarding the wage gap between men and women are on the agenda.

The Government regularly finances research projects about equal pay.

9. What is the role of businesses in dealing with domestic laws, policies and societal practices which are discriminatory to women?

We do not consider this question relevant in the Norwegian context.

10. How could media and advertising industries fight against gender stereotyping and disempowerment of women?

The public committee #UngIDag (Young Today), which has recently been appointed by the Government, will consider the issue gender stereotyping in media.

11. – 13.

Reference is made to the answer to question 2 about the Equality and Anti-Discrimination Ombud and the Anti-Discrimination Tribunal.