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**Report from NORWAY**

**to**

**UN – High Commissioner for Human Rights**

**Working group on discrimination against women in law and practice**

**on**

***Information highlighting practices and significant legislative and policy reforms adopted for the advancement of women's rights and gender equality.***

**Introduction**

Norway is known for its wide-ranging set of regulations and legislation on gender equality. It has taken 40-50 years to build the welfare state and to make fundamental improvements concerning gender equality. The implementation of human rights and gender equality requires basic legislation, structures for enforcement and implementation, but also the funding of social security schemes, reproductive rights and child care provisions. In this period substantial equality between the genders has come true, with major changes in Norwegian culture, politics, economy, science and family life.

Gender equality has been a goal since early 1980s for all governments across political colours. The tripartite cooperation between governments and the social partners has also played an important role in promoting universal and comprehensive social security systems and rights.

Our former prime minister Gro Harlem Brundtland stated once: "Everything is interconnected". Social policy, labour market policy, gender equality policy, family policy and economic policy are all elements related and dependent of each other. We have managed to reach a high level of workforce participation and economic growth through decades with emphasis on our social security schemes, principles building a welfare society and gender equality.

One overriding goal of Norwegian policy has been to make the balance between family life and working life possible. This has strengthened women in the labour market enabling them to income and economic independence. Shared parenthood and shared family responsibilities are main factors in this process of change.

Individual rights, individual protection and universal arrangements have strengthened the individual, women and men. Legislation and individual rights have made Norway into one of the least family-dependent and most individual societies. For instance individual taxation of spouses, individual rights in the social insurance scheme, gender equal marriage legislation and children rights law. The family still remains a central social institution, but also infused with a moral logic of autonomy and equality.

Politics on gender equality is also about economy. The World Bank's World Developing Report 2012 on Gender Equality and Development focuses on the economics of gender equality and development. It uses economic theory to understand what drives difference in key aspects of welfare between women and men – education and health, access to economic opportunities and productive resources, and the ability to make effective choices and take action. And it uses the economic lens to explore what policy interventions and broader societal action can be taken to reduce these gender differences and improve development outcomes generally. This is much in line with some basic principle for the development of the gender equality policies in Norway today. The development report shows that income and gender equality are positively correlated.

Norway is among the top nations in the world when it comes to female participation in labour market. Women in paid work are one the main keys to Norway's prosperity. The welfare model has been labelled the Nordic model. It has shown prosperous with economic growth, high labour market participation, high birth rates in combination with high scores on gender equality and the position of women. It is proven that high participation of both women and men in the labour market strengthens the economy. The welfare state is not only a question of having sufficient financial resources available. Norway has become prosperous because we developed the welfare society, with social security and rights emphasising gender equality and women's rights.

Norway still faces shortcomings in the distribution of income and pay. The differences in men's and women's pay are due to the gender segregation in working life. Many young people still make traditional choices when it comes to careers, although we are seeing major changes in higher education. Women now dominate in number in higher education, also in previously male-dominated subjects. More than 40 per cent of women in employment work part-time. Of those who work involuntary part-time the majority are women.

- *Constitutional and other legislative initiatives and reforms put in place to promote women's rights and gender equality, including through the revision and repeal of discriminatory provisions in legislation*

### **Legislative initiatives<sup>1</sup>**

The Gender Equality Act was implemented in 1979 stating women's rights and protection against discrimination. But also the necessity and duty of special measures targeting women, applied to private and public sector. The equality and anti-discrimination field combines the rights and duties, individual rights to protection against discrimination as well as institutional duties to make active efforts to promote equality. The Government sees this assignment as important. This policy implementation system provides a specific basis for stating both how the state in practice meets its human rights obligations and how the state otherwise makes arrangements for good social developments.

The equality policy states high ambitions for the public authorities. Equality is described as a basic value for society. Efforts to promote equality are regarded as a human-rights obligation, i.e. a duty that the state has when international human rights are to be implemented in Norwegian law and administrative practice.

In the Gender Equality Act's statement of legislative purpose, this is formulated as a duty for public authorities to "make active, targeted and systematic efforts to promote gender equality in all sectors of society" (section 1a). At the same time, it is often pointed out that active

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<sup>1</sup>A basic part of the description of the legislation against discrimination is based on *NOU 2011:18 Structure for equality*.

efforts to promote equality are good economic policy. In such case, for example, a high percentage of women and men in work are regarded as a significant contribution both to the development of the welfare state and to economic growth and improvements in prosperity in a more general sense.

The equality legislation covers both protection against discrimination and proactive duties. While the protection against discrimination is a right at an individual level, the proactive work is a duty which enterprises and institutions have. The Norwegian parliament, Storting, has decided that both the government and municipalities are to have such a duty as a public authority, i.e. in their role as bodies exercising authority and providing services. All employers also have a duty to make active efforts to promote equality within the framework of their operations. The same applies to both employers' and employees' organisations.

### **Mainstreaming**

Since the mid-1980s, Norwegian authorities have based their efforts to promote equality in the public administration sector on a so-called integration strategy. This integration strategy means that the work of promoting equality is to be integrated into the enterprises' day-to-day work, in all decision-making processes, at all levels and in every step of the processes and by those that normally take part in the work of making decisions.

The integration strategy must, among other things, make visible and assess the effects of political decisions on women, men, girls and boys and the way in which apparently gender-neutral policies and administration can help to maintain or reinforce stereotypical gender roles.

The Government views the integration strategy mainly as a principle governing how the public-sector responsibility for equality is to be practised. The strategy states how the obligations in the equality legislation are to be carried out in practice: through regular daily work, at all levels and steps of a decision-making and implementation process. The question is thus not only whether this takes place and how it takes place but also who is to monitor that it does take place.

## **Reducing the pay gap**

The gender pay gap in Norway is quite stable on the average of 15 per cent. (That is the ratio for all employees based on gross hourly male and female wages, calculated also for part-time workers.)

The pay gap persists in a labour market where women and men are almost equally qualified and educated. Differences in length of work force participation, education and age explain a minor part of the pay gap. The pay gap follows some structural factors in the labour market, like gender segregation in employment and part-time work in female dominated occupations.

It is an issue of great political concern that we still have a pay gap on the average for the entire EU area. This concern is why we appointed the Equal Pay Commission (report in 2008) and equal pay was singled out as a priority in the Policy Platform of the Government in 2009.

On the basis of their recommendations the Government prepared the White paper on Equal Pay which was submitted by the Government to the Parliament in November 2010. The White paper was considered and approved by the Parliament in April 2011.

The White Paper proposes several measures which will be forwarded to Parliament as new regulations and laws:

- Transparency through pay statistics. Enterprises over a certain size should be required to produce pay statistics, broken down by sex and position. These statistics should be made available to all employees.
- A duty for the employer to give information on individual salary on suspicion of discrimination among colleagues.

The Government's ambition is to incorporate these new regulations in the Gender Equality Act and forward a proposition to the Parliament in 2013.

- Strengthening the rights for employees who are absent from work due to parental leave in order to avoid discrimination related to pregnancy and child care. The proposal has been on a hearing among the social partners and others. The Ministry of Children, Equality and Social Inclusion is planning to propose a bill to the Parliament this year.

- Equal parenting and a better balance between family and working life for mothers as well as fathers, through father's quota and paid leave due to breastfeeding.

### **Collective negotiations and wages**

Wages and working conditions in Norway are determined on the basis of collective negotiations between the social partners, through individual agreements or unilaterally from the employer side. The system of collective bargaining and wage settlements in Norway is regulated and centralised involving powerful social partners.

The tripartite cooperation plays an important role in promoting universal and comprehensive social security systems and rights. Employers, employees and the Government work in collaboration through consultations and discussions. The tripartite cooperation does not interfere directly in wage settings and negotiations on wages. But they agree on information in the annual report by the Norwegian Technical Calculation Committee for Wage Settlements outlining recent years' developments in pay, earnings, prices and competitiveness, - including changes in the pay gap between women and men.

New collective agreements were settled in spring 2010. In the pipeline of the negotiations claims for equal pay were intense. The report from the Equal Pay Commission and the signals given in the Government's Policy Platform (Soria Moria) contributed to this public debate and the female dominated unions pitched their demands high. Equal pay became an issue in the negotiations, and the partners agreed on wage settlements giving better pay rise to female dominated groups. In the State wage area an extra funding gave rise to female dominated groups. In private sector a declaration on gender equality was also agreed.

### **Social security**

The National Insurance Scheme came in 1966. The social insurance system is to a large degree based on the recipient's level of earned income on the open labour market. This creates an incentive to employment while at the same time providing adequate coverage.

Today the Insurance Scheme secures:

- Family allowance for children under the age of 18,
- Cash benefit for children between the age of nil and two years
- Pensions rights for periods without paid work to persons who have the care for small children.

- Paid parental leave. The leave is today app. one year, and can be used by both parents. The father's quota was introduced in 1993 and today the father's period is 12 weeks. More than 90 per cent of the fathers make use of this right.
- Paid leave when the child is ill, 10 days a year for each parent.

The Working Environment Act of 1977 secures both rights at the workplace and opens for flexibility related to family responsibilities.

- Leave for breastfeeding
- Rights to flexibility and part time work
- Unpaid parental leave, three years (to be divided between the mother and the father)

Most recent and important is a law securing full coverage for children aged 1-5 years in kindergarten.

Children's Act and a Marriage Act have both a gender perspective. The marriage act was changed in 1991, making it easier to get divorced and at the same time securing individual economic values.

- *Strengthening the framework of state institutions, machineries and mechanisms to implement actions in order to eliminate all forms of discrimination and violence against women.*

Along with the legislation a "National machinery" for gender equality is established. The policy implementation system consists of different institutions with the mandate to actively promote gender equality. The system in the field of equality and anti-discrimination usually means the following administrative agencies:

The Ministry of Children, Equality and Social Inclusion has the main responsibility for the work on the government's equality policy. The Ministry has the overall responsibility for gender equality and equality relating to all other statutory grounds. The Ministry is also responsible for coordinating the state's efforts to promote equality in a more general sense. In addition to equality, the Ministry of Children, Equality and Social Inclusion has the overall responsibility for families and marriage/ cohabitation, the conditions in which children and

adolescents grow up and live, consumer interests and the integration and social inclusion of immigrants.

All Norwegian ministries are responsible for promoting equality in their areas, the sector-responsibility principle.

Several ministries are responsible for some important equality policy issues, such as violence in close relationships. As regards the aforementioned example, the responsibility is mainly divided between the Ministry of Justice, Ministry of Health and Care Services, Ministry of Education and Research and Ministry of Children, Equality and Social Inclusion.

The Ministry of Children, Equality and Social Inclusion has delegated some equality tasks to two of its directorates, the Directorate for Children, Youth and Family Affairs and the Directorate of Integration and Diversity. None of the Ministry's underlying directorates have special responsibility to ensure there is no discrimination on any of the grounds that are prohibited by statute in Norway. Nor does any directorate have special responsibility for gender equality.

The County Governor, who is the government's representative in the counties, has been assigned the task of having a proactive role in relation to the municipalities' work of promoting equality linked to various grounds.

The Equality and Anti-Discrimination Ombud enforces the anti-discrimination legislation with regard to all discrimination on grounds which are prohibited according to Norwegian law. The role of law enforcer covers two main types of task.

In the first place: the treatment of individual incidents and complaints about breaches of the prohibitions against discrimination. In the case of complaints, the Equality and Anti-Discrimination Ombud issues statements.

In the second place: ensuring that the duty in working life to report in the annual accounts is complied with.



The Equality and Anti-Discrimination Ombud's mandate also includes information, guidance and documentation tasks.

The Ombud must also ensure that Norwegian law and administrative practice do not conflict with Norway's obligations under the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the UN International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). In other words, the Equality and Anti-Discrimination Ombud carries out law enforcement work, promotes equality and develops expertise and monitors compliance with conventions.

The Equality and Anti-Discrimination Tribunal has the authority to decide on appeals made pursuant to the anti-discrimination legislation. The Tribunal deals with appeals concerning discrimination once the case has been dealt with by the Equality and Anti-Discrimination Ombud. Both the parties to a complaint and the Equality and Anti-Discrimination Ombud may appeal against decisions to the Tribunal.

The Equality and Anti-Discrimination Tribunal may order stoppages, rectifications and other measures necessary to ensure that discrimination, harassment, etc, stops and is not repeated. The Tribunal may stipulate a date for the order to be complied with and impose a coercive fine to ensure that the order is carried out. However, the Tribunal cannot award damages for non-economic loss and compensatory damages if there is a breach of the anti-discrimination legislation. The Tribunal can also deal with equality reports that have first been checked by the Equality and Anti-Discrimination Ombud.

The authority of the Ombud and Tribunal is regulated in a separate law, the Anti-Discrimination Ombud Act. This Act stipulates the Ombud's and Tribunal's authority and the division of authority between the two bodies. The Anti-Discrimination Ombud Act stipulates that the Ombud and Tribunal are independent administrative agencies.

This means that the Ombud and Tribunal cannot be instructed how to deal with individual cases or in their other professional activities. The Norwegian parliament (Storting) has emphasised that there must be a low-threshold service for discrimination cases. By low threshold is meant that the service is to be easily available, nationwide and provide guidance on and deal with complaints about discrimination free of charge.

It is possible to have an Equality and Anti-Discrimination Tribunal decision overturned by the courts. The Tribunal's decision may be brought before the courts in order for the case to be heard in full.

### **Violence against women**

The Crisis Centre Act from 2010 makes it obligatory for all municipalities to provide a good, comprehensive shelter service to women, children and men who are subjected to or threatened with violence in the home/from close relations. The service includes a 24 hour crisis telephone, the offer of safe accommodation, advice and support. The service is free and open to everyone without referral. This means that anyone who is the victim of domestic violence can approach any service anywhere in the country.

The law is gender neutral but states that the accommodation for women and men should be separate. The main reason for this is security considerations.

The Government will present a White Paper on violence in intimate relationships in 2012. The White Paper will provide a status for the work against violence against women since 2003, identify remaining challenges and set the direction for future work.

A new National Action plan for the period 2013-2016 will be developed in connection with the White Paper.

In the meantime, in January this year, the Government launched a fourth national action plan against violence in intimate relationships, applicable to 2012.

The action plan is prepared in collaboration by four ministries. The 23-measure plan is based on the need to see the work against such violence in an integrated, cross-sector perspective. It follows up the former Action Plan "Turning point" (2008-2011). The Action Plan fills the need for continuity and strengthening of the work in the short term.

### **The action plan Gender equality 2014**

The plan was launched in November 2011. The action plan runs from 2011 to 2014 and contains 86 new political initiatives/measures. The plan addresses gender equality in all areas of society. It is the first Norwegian action plan for gender equality in general for 20 years.

Areas that are addressed in the action plan are gender stereotypes, gender and education, equal parenthood and family friendly work life, the segregated work life, distribution of economical power, gender and power, gender and health, domestic violence, international cooperation for gender equality.

The action plan consist of political goals, descriptions of political challenges for gender equality, the government's new initiatives in the specific area and a set of statistical indicators in each field. The purpose of the indicators is to monitor the outcome of the action plan, in a long term perspective.

The purpose of the action plan is to give an overview of Norwegian policies for gender equality in all areas of society. The action plan will serve as a strategic mean to develop the field of gender equality policies.

As this is the government's common action plan, all the ministries has participated in the development of the plan. The new initiatives that are launched in this plan is organised by a number of different ministries. This underlines the sector responsibility principle, which states that all ministries and local and regional government are responsible for promoting equality and preventing discrimination on various grounds within their sector areas. The action plan is coordinated by the Ministry of Children, Equality and Social Inclusion.

### **Equality Commission of 2010**

In February the Norwegian Government has appointed an Equality Commission of 2010. The Commission shall report on Norway's equality policy based on people's lifecycle, ethnicity and social class. In 2011 the Commission delivered its first report on the existing institutional and organisational frameworks for efforts to promote equality carried out by public authorities.

- *Improving women's political participation, on equal terms with men, in the transitional and post-transitional process at all levels of decision-making, including through the adoption of temporary special measures.*

### **Political representation**

There are no laws regulating political representation in Norway. Most political parties have however adopted quotas on a voluntary basis. The elected representation to the Parliament and to the local governments is 38 percent. The Government is balanced with an equal representation of both sexes.

### **Gender balance in company boards**

A law regulating gender balance in company boards was adopted by a large majority in the Parliament in 2003. The law applies in both public and private sector. It makes it mandatory for wholly State owned companies, the inter-municipal companies and the large national companies governed by special laws as well as the Public Limited Companies to have at least 40 per cent of both genders in company boards.

In 2003 Public Limited Companies (PLC) recruited only 7 per cent women to the boardrooms. For these companies the law came into force in 2008 and today women have taken at least 40 per cent of the boardroom positions in the companies affected by the regulation. For the other companies the law was enforced in 2006.

A new regulation regarding co-operatives has been effective since January 2008, effecting companies with more than 1000 members.

The Local Government Act is amended and now include rules on representation of both sexes in boards of private limited companies where municipalities own 2/3 or more of the share are also now implied from 2012.

The law does not apply to privately owned limited companies. Most of these are small and medium sized family enterprises.

No new laws regarding enforcement have been passed. The rules are enforced through the normal control routines and legal systems (of 1977). Norway has a central register and a company board will not be registered if its composition does not meet the requirements.