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NEWS REPORT

Country:	Norway
Title:	Discrimination of pregnant employee
Date:	24 February 2017
Expert:	Helga Aune
<u>Context</u>	
Issue at stake:	Employment
Ground of discrimination:	Sex
Source:	National equality body – Discrimination Tribunal case no LDN-2015-6-2
Field:	Employment
Applicable law:	Gender Equality Act (1978)

Content

Case development: An employee on an expat contract was “forced” back to a Norwegian permanent contract when she was pregnant. The employee had an economic loss due to the transformation of the contract. A unanimous Tribunal found that she was victim of direct discrimination in violation of the Gender Equality Act (1978) section 3 because of pregnancy. The Tribunal found no evidence for other reasons than the pregnancy that the employee had had her expat contract withdrawn. It was therefore no doubt that the woman had been put at a less favourable position than what she otherwise would have been, had she not been pregnant, see section 3 of the Gender Equality Act.

The employee had been employed by a Norwegian company (belonging to a huge international group) in June 2007 working abroad on an expat contract. She returned after her first parental leave in June 2010. In December 2010 she informed her employer that she was pregnant again with due-date end of June 2011. In February 2011 she received a notice of termination from her expat contract and at the same time she received a job offer for a permanent position in Norway and under Norwegian terms starting from 1 may 2011.

Key points of analysis: The decision is important as it is one of rare cases related to expats, the only one on this topic that I am familiar with. It states the important principle that a pregnant employee should not be treated less favourable than a non-pregnant employee. The Tribunal may not award damages under the current legislation, but a decision by the Tribunal will often help in negotiations with the employer.

Internet link source: <http://www.diskrimineringsnemnda.no/media/1794/endelig-vedtak-i-sak-6-2015-2.pdf>, and https://lovdata.no/pro/#document/LDN/avgjorelse/ldn-2015-6-2/KAPITTEL_4 accessed on 14 February 2017.