



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Norway
Title:	One comprehensive anti-discrimination Act and a new Act re-organising the Equality Ombud and Equality Tribunal approved to be in force as of 01.01.2018
Date:	7 July 2017
Expert:	Else Leona McClimans with input from Helga Aune
Update of news reports:	<ul style="list-style-type: none">• Assessment of equality bodies set-up and structure to be carried out by 1 March 2016 (27 July 2015)• New legislative proposal to amend the five existing anti-discrimination acts into a single bill (3 December 2015)• Assessment of equality bodies (11 July 2016)• Proposal for re-organisation of Equality Ombud and Equality Tribunal sent for public hearing (21 December 2016)
<u>Context</u>	
Issue at stake:	Revised anti-discrimination legislation and new structure and competencies for equality bodies
Ground of discrimination:	All grounds
Source:	Legislation
Field:	All fields
Applicable law:	New Act on Gender Equality and Anti-Discrimination covering all grounds, and a revision of the Act on the Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal (AOT)

Content

Law development: One comprehensive act against discrimination was approved by Parliament on 16 June 2017, with amendments on 21 June 2017.¹ The same day, the act re-organising the equality bodies was also approved by Parliament. The new acts will be in force as of 1 January 2018.

Key points of analysis: As reported in previous flash reports, the new comprehensive Discrimination Act contains few elements that do not already form part of existing legislative implementation. There are however, some interesting improvements in both the new acts.

¹ The Act on Gender Equality and Anti-Discrimination of 16 June 2017 no 51, and the Act on the Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal (AOT) of 16 June 2017 no 50.

Two key improvements in the approved version of the Discrimination Act is that the Parliament changed the proposed text of the Act, so that the Act will 1) cover private or personal relationships, and that 2) "similar significant characteristics with a person" is included in the Act.

The new discrimination act provides improved protection against discrimination because of pregnancy and the use of parental leave. The scope of the act is widened to include age discrimination outside employment, whereas age discrimination in employment will continue to be regulated in the Working Environment Act, where no changes are proposed. Multiple discrimination/ intersectionality becomes specifically protected by law.

The revised AOT (the Act regulating the equality body) has transferred the individual complaint mechanism from the Equality Ombud to the Equality Tribunal. The current role of the Ombud as proactively promoting equality and combating discrimination will continue as before, by continuing to provide independent surveys, reports and recommendations. The Ombud will also continue to monitor that Norwegian law and administrative practice are in accordance with Norway's obligations pursuant to the CEDAW, CERD and CRPD. The Ombud will also continue to have legal standing to bring discrimination complaints to court on behalf of identified victim(s) or to intervene in legal cases concerning discrimination, as co-counsel or *amicus curiae*.

The Equality Tribunal will handle individual complaints, as the only administrative complaint mechanism. The Tribunal will be given powers to award redress/ compensation for non-monetary damage in cases where a breach of the anti-discrimination legislation is found. A complaint to the Equality Tribunal will interrupt limitation periods for claims, and decisions of the Tribunal will be directly enforceable in cases where compensation has been awarded. The Tribunal will, as currently, be organized as a collegial tribunal with no full-time employees, but will be supported by a staff/ secretariat of full-time employees. The leaders of the Tribunal will have the formal judge qualifications, but none employed at the Tribunal in a full-time position. A secretariat will prepare the cases to ensure full contradiction.

It has been a political decision to relocate the Tribunal secretariat staff to Bergen, which may imply that a number of the current professionals will resign their positions and that new staff members will have to be recruited to work in Bergen. This may be an impediment to the effective functioning of the Tribunal short-term.

Internet link source: The Equality and Non-Discrimination Act of 16 June 2017 no 51 at: <https://lovdata.no/dokument/NL/lov/2017-06-16-51?q=diskriminering>.

The Act on the Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal (AOT) at:

<https://lovdata.no/dokument/NL/lov/2017-06-16-50?q=diskriminering>.

Neither of the legal texts are translated into English, nor have English summaries.