



# **NATIONAL ACTIVITY REPORT NORWAY ANTI-DISCRIMINATION AND DIVERSITY TRAINING**

**Diversity at Work**

**May 2008**



*The contents of this publication do not necessarily reflect the opinion or position of the European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities. Neither the European Commission nor any person acting on its behalf is responsible for the use which might be made of the information in this publication.*

This project and publication has been commissioned by the European Commission under the framework of the European Community Action Programme to combat discrimination (2001-2006). This programme was established to support the effective implementation of new EU anti-discrimination legislation. The six-year Programme targets all stakeholders who can help shape the development of appropriate and effective anti-discrimination legislation and policies, across the EU-25, EFTA and EU candidate countries.

The training manuals used in the anti-discrimination seminars and the diversity management seminar can be downloaded from the European Commission website:

[http://ec.europa.eu/employment\\_social/fundamental\\_rights/public/pubst\\_en.htm#train](http://ec.europa.eu/employment_social/fundamental_rights/public/pubst_en.htm#train)

The Anti-discrimination and Diversity training project was managed by Human European Consultancy ([humanconsultancy.com](http://humanconsultancy.com)) in consortium with the Migration Policy Group ([www.migpolgroup.com](http://www.migpolgroup.com)) and the International Society for Diversity Management – idm ([www.idm-diversity.org](http://www.idm-diversity.org)).

The national activities were carried out by Diversity at Work ([www.mangfold.no](http://www.mangfold.no)).

**I. Table of contents**

I. Table of contents ..... 3

II. Introduction ..... 4

III. Anti-discrimination seminars ..... 5

    a) National activities anti-discrimination seminars ..... 5

    b) Mapping exercise: NGOs/Trade Unions working to combat discrimination ..... 13

    c) National legislation in the field of anti-discrimination ..... 21

    d) Funding opportunities in the field of anti-discrimination ..... 32

Annexes ..... 37

The role of trade unions combating discrimination ..... 37

## **II. Introduction**

Diversity at Work (MiA) is a foundation working to promote equal opportunities in work life in Norway. MiA has an extensive network with immigrant organisations, immigrant communities, and organisations for disabled people and elderly people, trade organisations, municipalities and state bodies working with immigration and diversity in Norway.

MiA organised the Anti-discrimination seminar in November and had extensive dialogue with several organisations about important issues concerning anti-discrimination before and after the seminar. Following the seminar, MiA has been asked to organise similar seminars about Anti-discrimination in several places in Norway and quite a few organisations have contacted MiA and asked about possibilities for working in joint projects with the material generated by this project and further developing it into seminar packages. Particularly interesting is the articulated need for competence enhancement from representatives for the municipalities, working to integrate immigrants through the 2 years introductory program (see LOV-2003-07-04-80 and LOV -2005-12-21-134), a national programme that is supported by law and obligatory in every municipality that accepts refugees.

Through this project MiA has gained and further developed its knowledge and network in the area of Anti- Discrimination, and MiA would like to thank Human European Consultancy for the opportunity to take part in this project, and for a professional and fluent management of the project.

### **III. Anti-discrimination seminars**

#### **a) National activities anti-discrimination seminars**

##### **Design of the training**

The AD training was designed in several meetings and discussions involving the country expert, the national trainer and the MiA team. The main focus was to cover the topics in the laws, attend to the needs of the project and give the seminar participants useful practical and theoretical tools to understand and detect discrimination, help or give advice to victims as well as to document the incidents they came across in their work /voluntary work and voice the known cases publicly.

The seminar also had to be designed to cover all kinds of people and grounds of discrimination, a focus that needed to be cared for in the practical design of the seminar. There had to be physical access for everyone, and the language had to be moderated into easy Norwegian for some of the immigrant participants and at the same time to a concise and distinct language for the participants with impaired vision and problems with hearing. The organisers as well as the lecturers also had to be alert to detect different cultural understandings of the concepts and promote a common understanding of the topics and the legal requirements and opportunities.

The major pedagogic tool was casework – both prepared cases and improvised cases based on feedback from the participants. One of the cases was from a book about racism that will be published by one of MiAs employees in July 2008. A total amount of five cases were prepared before the seminar, and the participants were divided into five different groups. They had all been asked about areas of special importance to their work to be sure the topics in the seminar were relevant to them.

The final programme:

#### **How NGO's & Unions Can Actively Work to Combat Discrimination**

**November 9th and 10th, 2007**

##### **Friday Nov. 9th**

9.30-11 00	Arrival, coffee/tea/fruit
11.00	Welcome by Juan Pablo Orieta, MiA
11.20	Stian Sigurdson, LDO: Norway's Discrimination Laws and how organizations can use them
11.50	Group work
12.30	Lunch
13.15	Hege Herø, YS: Working Against Discrimination – our experiences and the results The Tool: "A Strategic Checklist"
13.45	Group work
14.30	Break
14.45	Mobaraak Omer, Oslo Hotel and Restaurant Workers Union: Actively Working Against Discrimination - tips for other unions, an example—union membership
15.00	Group work

16.00 - 16.15 Break  
16.15 Review and Conclusions  
17.00 Closing for the day  
20.00 Group dinner at The Great India  
Kristian Augusts gate 14  
Entrance on Universitetsgata (by the Nasjonalgalleriet)  
tlf 22 200 389

### **Saturday Nov. 10th**

8.30 Coffee/tea

9.00 Welcome by Eli K. Langset, MiA

Berit Vegheim, Ending Discrimination: Challenges for the Handicapped – how to work against discrimination? Our work to promote the rights of the handicapped.

9.35 – 10.30 Group work

10.30 – 10.45 Break

10.40 – 11.00 Ivar Leveraas, The States Senior Advisor: Age Discrimination – strategies for handling it and promoting elder rights.

11.00 – 11.15 Karin Enderud, Professional Network for Homosexuals at work – our work and our experiences.

11.15 – 11.35 Thomas Prestø, Talawa Management – our work and breakthroughs in cases – tips to other organizations

11.35– 11.45 Break

11.45 – 12.30 Group work

12.30 – 13.15 Lunch

13.15 How can you work in your own organization? Network across Norway and Scandinavia?

14.15 Closing – thank you for today!

## **Preparation of the seminar**

MiA used its extensive network and actively discussed and promoted the seminar in Norway. Several organisations and people wanted to attend the seminar, although the number of participants had to be limited due to the cost of travelling to the seminar, and the size of the conference room. The seminar was announced on several web pages including the pages of organisations and trade organisation participating in the seminar.

## **Carrying out the seminars**

The AD seminar was carried out according to schedule, although one of the trainers was absent. The director of MiA, who had been working with the project too, replaced her. 41 participants signed up for the seminar, including the organisers. Five people got sick, and were not able to meet. They all received information after the seminar.

## **Main lessons learned seminars**

The participants found the seminar very useful, and they wanted more information and knowledge about the topics. They invited MiA and several of the lecturers to give seminars and lectures in other places in Norway and for different organisations and audiences. Of special interest was the need for information stated by the representatives from the municipalities regarding information to refugees participating in the obligatory introductory programme to Norwegian work life and society, a national programme instituted by a new law in 2003.

Also, representatives from multicultural organisations and houses, as well as youth organisations expressed a wish to gain more knowledge about these topics and learn about tools. Representatives from the organisations of disabled people wanted to take part in further developing a seminar concept, and representatives from the organisation for the elderly stated the need for such seminars.

All participants, and especially the representatives from the trade unions, welcomed the design of the seminar when it came to covering several grounds of discrimination, and the need for working more along these lines in the future. Still – the organisers sensed that the participants were used to voice claims and problems on behalf of their own groups only. For such a seminar to work really well, there is a need to prepare the participants on what basis the seminar is organised and how they are expected to also take into account, and learn about discrimination on other grounds than what they experience/work with themselves.

The seminar lived up to the participant's expectations although there is a need for improvement concerning the time keeping and time allowance for the different topics. There were simply too many eager speakers and too little time at the seminar. Some participants stated that they would have liked more time on the different topics to fully understand and discuss them, but they were also very satisfied with the seminar. MiA got lots of feedback from the participants, and they were all very pleased with the seminar.











## **b) Mapping exercise: NGOs/Trade Unions working to combat discrimination**

### **I. Profile of NGOs/trade unions working to combat racism**

#### **1. What types of NGOs/trade unions working on anti-discrimination exist on the national level?**

There are a few anti-discrimination organisations on the national level: African Youth, Antirasistisk senter, Norsk organisasjon for asylsøkere, OMOD, SEIF, SOS Rasisme, and several organisations for disabled people. The umbrella organisation for disabled people is Funksjonshemmedes fellesorganisasjon (FFO). In addition, Handicapforbundet and Blindeforbundet are active and powerful organisations.

#### **2. What ground (s) of discrimination, scope or sector are they concerned with (if they are concerned with a specific ground or a specific sector such as for example education)?**

<b>Organisation</b>	<b>Grounds of discrimination</b>
African Youth in Norway	Ethnic origin, young Africans
Antirasistisk senter	Ethnic origin
Innvandrerne landsorganisasjon	Ethnic origin
Kristent innvandrerearbeid	Ethnic origin, Christian based organisation
MiRA Ressurssenter	Ethnic origin, women
Norsk Folkehjelp (NPAID)	Ethnic origin, sexual orientation
Norsk organisasjon for asylsøkere	Asylum seekers
Organisasjonen for lesbisk og homofil frigjøring (LLH),	Sexual orientation
Organisasjon mot offentlig diskriminering (OMOD)	Public discrimination
SOS Rasisme	Racism, ethnic origin
Selvhjelp for innvandrere og flyktninger	Ethnic origin
FFO	Disability
Handicapforbundet	People with physical impairments.
Blindeforbundet	The blind and partially sighted in society
Senter for seniorpolitikk (SSP)	The elderly people

The list above is not exhaustive, but covers the most important and influential organisations dealing with anti-discrimination in Norway.

#### **Trade unions – grounds of discrimination**

<b>Organisation</b>	<b>Grounds of discrimination</b>
Landsorganisasjonen i Norge (LO)	Women and immigrant women, elderly people
YS	Ethnic origin, women, elderly people

These grounds correspond to their choice of focus, when it comes to the trade unions. It is well documented that the trade unions has not been pushing for anti discrimination work when it comes to ethnic origin. They have worked far more on the rights for women and elderly people. Also, they have not focused a lot on anti-discrimination work for disabled people.

**3. Is anti-discrimination their main area of work or only a small part of what they do? Do they work on anti-discrimination?**

Anti discrimination is a very small part of what the trade unions do. It is a large part of what African Youth, OMOD, Antirasistisk Senter and SOS Racism do. The other organisations work broader than just anti-discrimination. They work primarily with rights and different kinds of assistance and projects for their target groups, and in addition discrimination.

**4. Are these NGOs/trade unions registered on the national level? Is it easy or problematic to register as an NGO/trade union?**

Yes, the organisations are registered. It is relatively easy to register, but hard to finance the work against discrimination.

**5. Generally how large are these NGOs/trade unions? (Please mention the size of membership for the main trade unions)**

The NGOs have from 2 -50 employees. The trade union LO has 830000 members, UNIO has 267748 members, YS has 200000 members and Akademikerne has 131005 members. The mentioned trade unions are the largest and most influential unions in Norway. 1547000 people are member of a trade union in Norway.

**6. Are they part of larger national networks? Or are they working on their own?**

Some of the organisations have formalised co operation today, like NPAID and LO. Most of them know of each other, since they have their main offices in Oslo, and they meet regularly at conferences and events.

**7. Are they mainly based in the Capital or spread out in the country?**

Most of them are mainly based in the capital, but almost all of them have local counterparts in different places in Norway.

**8. Are NGOs/trade unions from the capital and the rest of the country doing the same type of work?**

The organisations in the capital tend to give more priority to lobbying in the Parliament, the local branches will focus on discrimination issues in their local environment.

**9. What is the political or societal weight of these NGOs/trade unions on the national level? (Towards, the general public, the civil society, the companies/employers, the government)**

Some of them are capable of influencing the national politics. OMOD are known to be a good lobbyist and have managed to change the way the police operates when controlling immigrants. The media asks the organisations for opinions when discriminating actions has taken place, and most of them have the opportunity to comment on public hearings etc. Companies sometimes cooperates with organisations, but mostly they do not want to be associated with discrimination at all, so they tend to keep a low profile. Although the concept "Racismfree zone" by NPAID has got some influence in major companies in Norway like Norway Mail.

**10. Are NGOs/trade unions working in the field cooperating together: (NGOs with other NGOs, trade unions with other trade unions and also NGOs together with trade unions)**

**a. For what purpose(s) (e.g. exchange of expertise, collaboration on case work or campaigns, organising events jointly)**

Yes, some of them are co operating, mainly when organising events or, like LO and NPAID – the NGO originate from the trade union. They collaborate to organise courses about diversity and dialogue, Racismfree zone, and seminars and conferences now and then.

**b. Is there greater collaboration in relation to certain grounds of discrimination? If so, which?**

There are no forums or regular co operation that we know of, institutionalising co operation between organisations.

**11. How are these NGOs funded?**

**a. Do they receive state funding?**

The NGOs are funded by the state or the regional authority. The conditions vary according to what sources the NGOs apply for money from. In most cases, there are formalities applying to applications and application procedures that need to be followed. For more information, the Ingo's must contact the funding body.

**b. What are the conditions in order to receive public funding?**

As a rule of thumb, organisations must have a structured approach to how they are going to work against discrimination, and different criteria's apply to different funding bodies. But they need to manage the budget and accounting thoroughly, and report every 6<sup>th</sup> month or on an annual basis on activities delivered and results achieved.

**c. Do they also receive/apply for private funding?**

Some of them apply to private funds too.

**d. Do private funders impose any restrictions or conditions?**

Private funding bodies normally ask for applications in a specific topic or area, or may contribute to funding events like concerts, seminars etc.

**12. How are these trade unions funded?**

**a. Do they receive state funding? (Generally speaking do trade unions receive state funding?)**

The trade unions are funded by their members and get support by the state.

**b. Are they funded by a political party? If so, do they have to adhere and respect the party's line?**

One of the trade unions was formerly linked to the Labour party in Norway. The union has officially declared independence from the Labour party.

**c. Do they function only/also with their members' fees?**

They also have member fees.

*d. Are they able to receive private funding and/or participate in project funded by European/international institutions?*

They may participate in projects if they feel that the project is relevant for their priorities.

**13. Is the lack of funding a significant factor in the size of NGOs/trade unions or in restricting the scope or scale of their activities?**

For NGOs lack of funding might be restricting the scope and scale of their activities. The trade unions do not pay a lot of attention to discrimination. If it was given priority, they would presumably find the resources they needed to work against discrimination,

**14. Do they work (or are in contact) with similar NGOs/trade unions in other countries?**

*a. Neighbouring countries?*

Yes, most of the NGOs and the trade unions have contact with corresponding networks or organisations in the Nordic countries.

*b. Other new EU Member States?*

Yes, some of the NGOs participate in European projects where there are new member states. The trade unions also take part in projects with new member states, i.e. in the Baltic area.

*c. Others?*

Some of the trade unions collaborate with poor countries about solidarity projects, and most of them are parts of international networks for trade unions. Some of the NGOs also have international contacts outside Europe.

**15. Do they work on the international level (campaigning, case work, other)?**

The author does not know of any organisations working exclusively on an international level, except for solidarity work and development projects, where work to combat racism might be one of the topics included in other projects.

**16. Can they work in English?**

Yes, most of the trade unions and NGOs can have English as a working language if needed.

**17. For countries where this is the case, where trade unions are linked to political parties, does the involvement or non-involvement of the political party has an impact on the trade union's ability to work on anti-discrimination?**

Yes, we believe this is the case for LO. Even if the boundaries officially are cut, the same people are represented in high positions in the Labour party as well as in the trade union.

**18. Can specific regional branches of a trade union work on anti-discrimination even if headquarters does not?**

Specific branches of a trade union can work on anti-discrimination issues, even if the main organisation has been somewhat passive. A good example is the Hotel – and restaurant workers union and a few other branches that have been working actively to combat discrimination when LO as a whole was rather passive about these issues.

## **II. Expertise of NGOs/trade unions working to combat discrimination**

### **19. What kind of work do they do?**

The NGOs serve interest groups and work to combat discrimination. The NGOs offer different kinds of services depending on their size and resources. The FFO is providing legal assistance to its members (disabled people), and organisations like OMOD, a small organisation, offers advice and take cases to the media or to the relevant public authorities.

The trade unions provide information about discrimination and the legal protection in the Norwegian laws, and provide information at conferences.

### **20. Do they take up complaints of discrimination?**

Yes, some of them do – like OMOD. The trade unions will pass the case to the LDO in the case of racial discrimination. In cases of age discrimination, they have sometimes provided legal support to the victim.

### **21. Do they focus on their own community?**

Some of the organisations work with specific groups – like African Youth Community. They work in Oslo. A few local branches of the trade unions work within their local communities to promote understanding and improve relations between immigrants and Norwegians, and thereby indirectly working against discrimination. Good examples are the local union in Sandefjord and Sarpsborg, where immigrants are actively included and working in the local branches.

### **22. Do they work with victims directly?**

Yes, some of the NGOs work directly with victims, like OMOD, and SEIF. The trade unions sometimes work with victims of age discrimination.

### **23. Within the company, can trade unions represent only their members or any worker?**

The trade unions normally represent their members, but they can chose to support others in principal matters like racism.

### **24. Do they do ‘case work’?**

Yes, some of the NGOs do case work as a part of their organisation’s activities, but not the unions.

### **25. Are they able to access state funding for casework?**

The state’s funding is available for the organisation and their activities, not specifically for casework.

### **26. Does this include legal representation?**

Yes the casework does also include legal representation for some of the organisations. In the case of age discrimination the trade unions have provided legal representation.

### **27. Is it possible for NGOs/trade unions to engage on behalf or in support of victims of discrimination in judicial or administrative procedures?**

Yes it is possible for NGOs and trade unions to engage on behalf or in support of victims of discrimination.

**28. Are NGOs/trade unions able to pursue class actions if the latter is allowed on the national level?**

Class action is allowed in Norway.

**29. Do they do other practical work? (e.g. assistance to victims or potential victims, social assistance, etc)**

Yes, some of the NGOs also give practical advice.

**30. Do they advocate changes in legislation and policies?**

Yes, the NGOs advocate changes in legislation and policies. The trade unions are not working proactively for changes, with the exception of Hotell og restaurantarbeiderforbundet.

**31. What are their relations with the central government?**

The central government gets information from relevant hearings and some NGOs are practising lobbying. The trade unions give their opinions in hearings.

**32. With regional governments or municipalities?**

Depending on the municipality and the administration at the regional level, NGOs and trade unions might profile themselves so as to become invited members in committees, seminars and conferences where they can influence the authorities. The trade unions are most often already included in those networks, as they are organising the workers in those institutions.

**33. For the trade unions, with the employers organisations?**

The trade unions have the possibility to cover issues of discrimination with the employer's organisations. They meet on a regular basis.

**34. Do they have relations with the specialised bodies/ombudsman?**

The LDO office is inviting NGOs and trade unions to specific events on a regular basis, and gives priority to keep a network dialogue with the NGOs and trade unions.

**35. What are the qualifications of the staff?**

The qualifications of the staff are highly varied. Some of the staff has a university degree; some are trained practitioners with experience from trade union work or work within NGOs. Some people are also working on a voluntary basis. The big organisations normally have a lawyer.

**36. What training has the staff had in relation to anti-discrimination work?**

Some organisations give their employees structured training before starting to work, but most small organisations cannot afford that, and the workers learn on the job.

**37. Are they trained in writing funding proposals and reporting?**

Again, if they are trained in writing proposals and the like, is usually depending on the organisation's resources. The public body for immigrant organisations in Oslo, EMI, gives courses to NGOs about these matters annually.

**38. How do they evaluate their “success” and the quality of their anti-discrimination work?**

All the organisations receiving funding from the state have to report on activities and results achieved, and even if they have different standards of reporting, they are conscious about showing the effect of their work. Some of them focus more qualitatively, and write about good examples, and some of them focus on the quantitative measures as to how many people they have given counselling last year etc. The way of reporting is depending on the nature of their work as well as which bodies they have to report to.

**III. Needs and problems of NGOs/ trade unions working to combat discrimination**

**39. What is the main problem faced by NGOs/trade unions involved in anti-discrimination work?**

Most of them think it is lack of resources. Their employees are often overworked. The majority of the trade unions have not taken an interest in focusing on these questions. They have scarce resources, but the large ones have not given priority to these issues.

**40. Is the lack of staff/funding/expertise one of the main problems faced by NGOs/trade unions involved in anti-discrimination work?**

Lack of funding is one of the main problems.

**41. Is the fact that staff lack necessary knowledge and/or skills one of the main problems faced by NGOs involved in anti-discrimination work?**

Staff lacking necessary knowledge/skills might be a problem too, although if they get better funding, they can finance training themselves.

**42. What training is needed by the NGOs/trade unions in order to perform their work the way they would wish to?**

There is not one unitary need for training. The organisations are specialised, so they need training in their specific areas/ grounds of discrimination. The trade unions might need training in diversity and equal opportunity. Their perspective is not always taking into account the problems of the multicultural workforce, and thereby they do not see discrimination, they see language problems etc., and that the immigrant worker is the problem owner, not issues of discrimination at the workplace.

**43. Is their staff sufficiently trained in relation to national anti-discrimination legislation?**

Some their staffs are sufficiently trained and some of their staff might need more training.

**44. Is their staff sufficiently trained in relation to European anti-discrimination legislation?**

Their staffs are not well trained in the European anti-discrimination legislation. Most of them are not aware of the basic rules. The European Commission to Norway and Iceland will arrange a short seminar about this in October.

**45. Is their staff trained in relation to advising government: formulating policy proposals? Legislative proposals?**

The question if their staffs are trained in formulation policy proposals is relevant for some of organisations that advocate a role where this is necessary. Most of the staff has relevant on the job training and several years of experience. Problems might arise when they get new employees, and the experienced employees get new jobs elsewhere.

The procedure of formulating legislative proposals is not a procedure for NGOs in Norway; however, they might voice their opinions in public hearings. Trade unions are very professional in formulating policy proposals and they can influence legislative proposals if they choose to do so. That has not been the case when it comes to discrimination. In the past, they were working for women's rights, but that was before the EU- directives influenced the Norwegian legislation.

**46. Do they need to do more to promote their anti-discrimination role?**

The NGOs are actively promoting their anti-discrimination role. The trade unions are not very active in promoting this.

**47. Do they need to “do more” with victims, clients or potential clients, members or potential members?**

The NGOs are doing a fair job when it comes to discrimination; some of them are really working well. Some of them need more competence about the laws on discrimination. The trade unions definitely need to do more, they are not focusing as much on these matters.

**48. Do they need to “do more” with government – to increase their credibility and status?**

Overall, some organisations might need to do more to influence the government. This is also a question of resources. The trade unions have quite a lot of influence as it is, if they choose to use it in matters of discrimination.

**49. For the trade unions, do they need to “do more” with the companies/employers organisations?**

In our opinion, the trade unions could be far more active, engaging in dialogue with the employer's organisations about topics relating to anti-discrimination.

**50. Would they need to “do more” with public opinion and awareness raising?**

Yes, definitely, there is a huge need for awareness raising about discrimination at the workplace, and discrimination in general. The NGOs and the trade unions have important tasks to work with in the future. The immigrant population is growing, and there is a need to be more precise about what is discrimination and what is not, as well as publishing knowledge about what channels can be used to work against discrimination.

**51. What would they need to develop?**

We think that the trade unions and the NGOs need to go out and meet regular people and influence at the workplaces more than they do today. Some NGOs exist in their own milieus and clusters of organisations, and do not effectively mix with regular people, i.e. the man in the street. Also, both NGOs and trade unions should engage in discussions with people in youth clubs, pubs and clubs for the so called upper middle classes like Lions, Rotary and the like, that occupy leading positions in society and could apply a far more progressive policy to combat discrimination if they had the knowledge and will to do so.

## c) National legislation in the field of anti-discrimination

### 1. The transposition of the Directives into national law

*How and when were the Directives transposed?*

The Directives were not transposed word by word to the national law in Norway, because they are not a part of the EEA-Agreement, and the treaty was signed before the Directives were developed. The Agreement on the European Economic Area – the EEA Agreement – is the cornerstone of the relations between Norway and the European Union. The EEA Agreement was established in 1994, and extends the Internal Market, with its so-called four freedoms (free movement of goods, capital, services and persons), to Norway and the two other EEA EFTA countries. The content of the Directives is incorporated in the Norwegian Law on the Working environment and the Law on Anti-discrimination.

The main content of the EU-directive on equal treatment (2000/43/EC) was incorporated to the Anti-discrimination Act June 3<sup>rd</sup> 2005, and the main content of the Directive on equal treatment in employment (2000/78/EC) was transferred to the Working Environment Act May 1<sup>st</sup> 2004. As in the Directive on equal treatment (2000/43/EC), people with disabilities are not mentioned in the Anti-discrimination Act. Several NGOs have heavily criticised this, while NGOs working with the rights of people with disabilities have concentrated on advocating the need for a separate act concerning discrimination of people with disabilities. A new Act will be launched 2007-2008.

Public debate about the laws:

- When the changes in the Working Environment Act were about to happen, a debate rose about who should carry the burden of proof when complaints about discrimination.
- Several organisations have also criticised the Norwegian Parliament for its unwillingness to impose a duty of action on several grounds of discrimination, not just gender.
- The individually based complaint has also been a matter of discussion as it tends to make invisible structural discrimination and cases where the individual is not willing to pursue a complaint.

The required institution/s for the promotion of equal treatment regardless of racial or ethnic origin has been set up in accordance with Article 13 of Council Directive 2000/43/EC, but in Norway the Equality and Ant-Discrimination Ombud (LDO) has no possibility to pursue individual cases to court.

The aspects of discrimination commonly occurring in the country which are NOT covered by the Norwegian law:

- Discrimination of disabled people in the society, for instance in the housing market.
- Discrimination in working life when no one is willing to pose a complaint.
- Structural discrimination, like institutional discrimination, without a formal complaint by a person. (But the LDO can decide to pursue an anonymous complaint, and pursue specific incidents based on a tip, for example by a NGO.)
- Discrimination against the national ethnic minority Sámi, regarding rights to natural resources and land. The Sami population have a special protection as a national ethnic minority in Norway.

CEDAW- Convention on the Elimination of all form of Discrimination of Women. Norway ratified the treaty in 1981, and is reporting on a yearly basis to CEDAW. Norway has recently introduced the convention to partner countries in developing countries so as to implement it as a part of Norway's Strategy for Women and Gender Equality in Development Cooperation.

CERD – The UN Convention on the Elimination of All Forms of Racial Discrimination is incorporated in the Norwegian Ant-discrimination Act.

ICCPR- No information accessible.

*What measures, if any, have been taken by the Government to address this?*

The Government is now working on measures to extend the target groups for the activity /report duty to include disabled people and ethnic minorities. Today these duties apply only to cases related to gender. Three proposals will be inquired:

- Duty of activity only  
The employer has to work actively to personal policies to combat discrimination of people with disabilities or with ethnic minority origin.
- Duties like in the Gender Equality Act  
Like the first proposal, and in addition a duty to give an account for the situation in annual budgets and annual reports and how the employer is planning to comply with the claims in the law.
- Specific duties that go beyond the duties of the Gender E. Act  
Like the second proposal, and in addition a specified description about which duties is to be put through the following year, and to work out an annual action plan for equality.

The NGOs have voiced their critical remarks in the media, in particular the Organisation for disabled people and the organisation “Stop Discrimination”, working on preventing discrimination against disabled people in Norway.

*Research on discrimination by national research institutions:*

This list is not complete, but mentions some of the most important research projects and institutions on the field.

- Institute for social research have the following projects:
- Democracy, freedom of religion and women’s rights. The labour market and ethnic minorities. [www.isf.no](http://www.isf.no)
- Norwegian Social Research (NOVA). Several programmes about citizenship, minority youth, lesbians and people with disabilities. [www.nova.no](http://www.nova.no) .
- SINTEF – The Foundation for Scientific and Industrial Research at the Norwegian Institute of Technology (NTH). Research about integration, work and psychiatric diseases among the minority population. [www.sintef.no](http://www.sintef.no)
- FAFO – Institute for Labour and Social Research. Research about refugees and immigrants and discrimination at work. [www.faf.no](http://www.faf.no) .
- Institute for human rights, UIO, se [www.humanrights.uio](http://www.humanrights.uio) – several projects.
- UIT- research about the finish minority and discrimination in a historical context. [www.uit.no](http://www.uit.no)
- NTNU.no/disability – Research on disabled people and barriers in society. [www.ntnu.no](http://www.ntnu.no).

## **2. Procedures – administrative and legal channels appropriate for challenging violations of anti-discrimination legislation**

According to the Directives, there is a requirement that their implementation shall in no circumstances be grounds to reduce the level of protection already provided for under national law. The European Court of Human Rights and the European Court of Justice (see section on Key Concepts) have made it clear that the protection of fundamental rights must be “practical and effective not theoretical and illusory”.

## **2.A Employment and occupation related - all grounds**

*Identify the remedies which exist at local or national level for challenging employment and occupation related discrimination on the grounds of race or ethnic origin, religion or belief, disability, age or sexual orientation as set out in national laws giving effect to Council Directives 2000/43/EC and 2000/78/EC.*

Council Directive 43 and 78 have been implemented in two different parts of the Norwegian legislation on anti-discrimination, the first mainly in the Anti-Discrimination act, and the second in the Working Environment Law. In this section we will examine closer the means and channels individuals have to challenge acts of discrimination on the grounds of race or ethnic background as enabled by the Norwegian Anti-Discrimination Act, amongst others related to Council Directive 2000/43. The new act must be understood in direct relation with the establishment of the Equality and Anti-Discrimination Ombud through the Act of 10 June 2005 No. 40.

*The Act on prohibition of discrimination based in ethnicity, religion etc. – the Anti-Discrimination Act, amended June 2005.* The purpose of the Act is to promote equality, ensure equal opportunities and rights and prevent discrimination based on ethnicity, national origin, descent, skin colour, language, religion or belief. The act is amongst others, built on the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965, and is also applied as Norwegian law. The Act shall apply in all areas of society except for family life and personal relationships. The prohibition of discrimination based on religion or belief shall not apply to actions and activities carried out under the auspices of religious and belief communities and enterprises with a religious or belief-related purpose, if the actions or activities are significant for the accomplishment of the community's or the enterprise's religious or belief-related purpose. The exception in the second sentence shall not apply in working life.

*The working environment Act, Chapter 13, was adopted in May 2004* in the Working Environment Law. The EU directive 2000/78/EC was thereby transposed in national law in Norway. The chapter prohibits discrimination on grounds of political view, participation in a workers union, sexual orientation, disability or age as regards employment and occupation. Discrimination on grounds of sex, religion and ethnicity is regulated in separate acts. The chapter prohibits direct and indirect discrimination, harassment and instruction to discriminate regarding recruitment procedures, training, pay, terms and conditions, vocational guidance, dismissals etc. Difference of treatment does not constitute discrimination when the objective is legitimate and the requirement is proportionate. The chapter also includes an obligation for employers to make reasonable accommodations for disabled persons.

The Anti-Discrimination Act states that it is the Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal that in most cases shall monitor compliance with and help to implement this Act, cf. the Equality and Anti-Discrimination Ombud Act. However the Act also states the right of organisations to act as an agent. In addition, the trade unions can promote cases of discrimination through their representation in the Working Environment Committee, as stated in the working environment Act. There are no formal internal grievance procedures within an organisation in cases of discrimination. When and if the Ombud takes the case, they follow the standards for civil court in Norway. See also 2.B.

### *Prohibition against harassment*

Harassment on such grounds as are mentioned above is prohibited. "Harassment" covers acts, omissions or statements which have an offensive, frightening, hostile, degrading or humiliating effect, or which are intended to have such an effect. Employers and the management of organizations or educational institutions shall, within their spheres of responsibility, take precautions against and seek to prevent the occurrence of harassment in contravention of the first paragraph.

### *Burden of proof*

If there are circumstances that give reason to believe that a breach of any of the provisions of the law has taken place, such breach shall be assumed to have taken place unless the person responsible for the act, omission or statement produces evidence showing that no such breach has taken place. Employers have an obligation to disclose information in matters concerning appointments.

### *Identify applicable situations*

A job applicant who believes himself or herself to have been discriminated against in breach of section 4, first paragraph, may demand that the employer provide information in writing concerning the education, practice and other clearly ascertainable qualifications of the appointee for the post in question.

### *Internal remedies*

- The trade unions can promote cases of discrimination through their representation in the Working Environment Committee (WEC), as stated in the working environment Act. In the WEC they can discuss and agree on action plans for a better working environment, in cases of harassment etc.
- Careers plans for the employees will promote equal treatment and prevent preferential treatment based on non-professional grounds, unless a decision about preferential treatment of a minority group has been made (Action plans). In Norway, the trade union and the management normally discuss and agree on such procedures. Ref. 1. There is a debate in Norway as to whether such measures should be compulsory- Activity/report duty.
- Establishment of grievance procedures in cases of discrimination will contribute to elucidate discrimination in the organisation so preventive actions can be made.

Please look at the template, what about 2, identify applicable situation, and 3 internal remedies. Please provide an answer even brief.

## **2.B Non-employment or occupation related – race and ethnic origin**

Identify the remedies which exists at local or national level which are appropriate for challenging discrimination on the grounds of race or ethnic origin as set out in national legislation giving effect to Council Directive 2000/43/EC

### A. The Anti-Discrimination Act: prohibition against discrimination

Direct and indirect discrimination on the basis of ethnicity, national origin, descent, skin colour, language, religion or belief is prohibited. “Direct discrimination” refers to the purpose or effect of an act or omission is such that persons or enterprises are treated less favourably than others are, have been or would have been treated in a corresponding situation on such grounds as are mentioned in the first paragraph. “Indirect discrimination” refers to any apparently neutral provision, condition, practice, act or omission that would put persons at a particular disadvantage compared with other persons on such grounds as are mentioned in the first paragraph.

### B. Main administrative and legal remedies to enforce the act

#### a) Introduction

The Anti-Discrimination Act, and chapter 13 in the working environment act, states that it is the Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal that in most cases shall monitor compliance with and help to implement regulations prohibiting discrimination, cf. the Equality and Anti-Discrimination Ombud Act.

However the Act, and regulations in the working environment act also states the right of organizations to act as an agent. Particularly organizations whose purpose is, wholly or partly, to oppose discrimination based on ethnicity, religion, disability etc. may be used as an agent in administrative proceedings pursuant to the present Act. Also a person appointed by and associated with an organization whose purpose is, wholly or partly, to work to prevent discrimination based on ethnicity, religion, disability etc. may be used as a legal representative in cases brought before the courts pursuant to this Act, Anti discrimination Act, §12 and working environment act §13-10. In addition to such authority as referred to in section 46 of the Civil Procedure Act, a legal representative shall at the same time present a written orientation from the organization concerning the qualifications of the legal representative. This can either take place between organisations as informal resolutions, or in more formal administrative proceedings between the offended part and the accused organisation.

b) The Equality and Anti-Discrimination Ombud

The Ombud shall monitor and contribute to ensuring compliance with the provisions specified in section 1, second paragraph, of the Anti-Discrimination Ombud Act. The Ombud shall also work to promote genuine equality and equal treatment, cf. section 3, first paragraph, of the Anti-Discrimination Ombud Act. The Ombud shall view the various discriminatory grounds conjunction with one another, and develop cross-sectoral expertise and an ability to deal with multiple discrimination grounds at the interface between gender and other discriminatory grounds. The Ombud's function of promoting equality and developing expertise entails the following tasks:

- Receive complaints on violations of rules prohibiting discrimination
- A proactive role
- Support and guidance
- Influencing attitudes and behaviour
- Advisory service on ethnic diversity in working life
- Expertise
- Forum

The Ombud shall serve as a meeting place and information centre for a broad public and facilitate collaboration between actors who work to combat discrimination and promote equality.

The ombud can receive complaints from private persons regarding violation of rules prohibiting discrimination. The ombud will give statement on whether the incident violates anti-discrimination rules. If the ombud states that a violation has occurred, the person, office etc has to accommodate to the changes required by the ombud. If the accused party refuses to accommodate, the ombud will refer the case to the Equality and Anti-Discrimination Tribunal.

c) Duty to provide guidance.

In addition to the general duty to provide guidance pursuant to section 11 of the Public Administration Act, the Ombud shall in an appropriate manner provide guidance in connection with individual applications regarding discrimination other than that which is covered by section 1, second paragraph, of the Anti-Discrimination Ombud Act.

The Ombud shall state the grounds for dismissing summarily or dropping a case. If a case is dismissed summarily because it lies within the competence of another body, the Ombud shall refer the complainant to the proper body. With the consent of the complainant the Ombud may remit the case to the said body. The Ombud shall inform the complainant of the possibilities for bringing a case that has been dismissed summarily or dropped before the Tribunal.

In his opinion the Ombud may state what must be done to bring the situation into compliance with the law and may fix a time-limit within which the unlawful situation must be brought to an end. The

Ombud shall also explain which criminal law consequences may be entailed by failure to comply with the administrative decision, cf. section 13 of the Anti-Discrimination Ombud Act.

d) The Ombud's implementation of the decisions of the Tribunal

The Ombud shall:

- submit proposals to the Tribunal regarding the cases in which the Tribunal should request public prosecution
- assist the police and the prosecuting authority in any criminal case,
- inform the Tribunal of new facts or experiences that could have significance for the work of the Tribunal.

C. The Equality and Anti-Discrimination Tribunal

The Tribunal goes in effect only after cases have been handled and been given a decision at the Ombud. The Tribunal shall collect coercive fines imposed pursuant to section 8 of the Anti-Discrimination Ombud Act. The Tribunal's secretariat shall prepare a written summary of the case which shall be submitted to the Ombud and the parties to the case for comment. In the preparatory proceedings, the secretariat shall request such information or statements from the Ombud and the parties to the case as are deemed necessary in order to clarify the case. The Tribunal may also give other persons an opportunity to express their opinion on a case, if they must be deemed to have a special interest in the outcome of the case or if it is assumed that they can contribute to elucidating the case.

a) Hearing of a case

The Tribunal's secretariat may make an oral presentation of the case at the meeting, if the Tribunal so desires. The parties and the Ombud shall then have the opportunity to present their views of the case. The parties may bring a proxy with them. The Tribunal may examine the parties and witnesses. If the Tribunal deems the documents that have been submitted during the preparatory proceedings to be sufficient for making an administrative decision in a case, the case may be dealt with without oral proceedings, provided the parties are not opposed thereto. A decision to this effect shall be made during the preparatory proceedings by the Tribunal's chairperson subject to the approval of the Tribunal.

b) Administrative decisions and opinions

When the proceedings are concluded, the Tribunal shall deliberate and vote on the case. Deliberation and voting may be postponed until a subsequent meeting. The Tribunal may postpone deliberation and voting if the facts of the case have not been sufficiently elucidated. In such case, the Tribunal shall indicate which further information it deems to be required or which new persons it wishes to summon to make a statement. An administrative decision is deemed to have been made when all the members who participated in deliberation and voting have signed the decision.

c) Coercive fines

The Tribunal shall in each particular case make a specific assessment of whether to impose a coercive fine. If the Tribunal makes an administrative decision to impose a coercive fine, a new time limit for complying with the order shall be set.

d) Publicity of meetings

The proceedings of the Tribunal shall be public, unless this is prevented by provisions regarding the duty of secrecy. The Tribunal's chairperson may, subject to the approval of the Tribunal, provisionally decide that the proceedings in a case shall take place behind closed doors. When a case is closed for deliberation and administrative decision, the proceedings of the Tribunal shall take place behind closed doors.

e) Contents of the administrative decision

The administrative decisions of the Tribunal shall include:

- i. the time and place of the proceedings
- ii. the persons present at the proceedings.
- iii. If parties to the case, experts, the Ombud or other persons were present at and participated in the proceedings or made a statement or expressed an opinion, new arguments and new factual information shall also be included in the decision.
- iv. A description of the case, the grounds for the decision, the administrative decision and the provisions on which the decision is based.  
It shall be stated whether the decision is unanimous. In the event of dissenting votes, the decision shall show which of the Tribunal's members disagreed with the decision and their grounds for so doing.
- v. Relationship to the Public Administration Act and commencement  
Unless it is otherwise provided in the Anti-Discrimination Ombud Act or these Regulations, the Public Administration Act shall apply to the activities of the Ombud and the Tribunal.

**2.C Where a choice of avenues for raising either an employment related or a non-employment related complaint exists:**

Identify the purpose of making the complaint. Identify the criteria that should be used by NGOs/trade unions to select the mechanism appropriate to the identified purpose(s).

- what outcome does complainant want?
- object of complaint – is it justice for the individual or raising awareness of discrimination?
- urgency of resolution of complaint and time likely to be taken for procedures to be completed
- time limits applicable to different procedures and whether the complainant can comply with them
- possibility of quashing the adverse decision complained of
- whether or not a legally binding solution is sought and required, and available
- assessment of facts - matching facts to requirements of remedies
- assessment of available evidence - appropriateness and sufficiency of evidence for mechanism to be used
- whether or not legal representation is required or highly desirable
- availability of legal assistance
- possibility of financial compensation for victim(s)
- possibility of re-instatement or re-engagement (if desired in employment cases)
- suitability of complaint for awareness raising
- impact on public opinion of different mechanisms
- possibility of group complaints
- possible costs and fees incurred by using a particular mechanism
- potential consequences on the complainant (in case of internal complaint within the company brought by a trade union)

## 2.D What are the technical procedural requirements of each available remedy?

There is no time limits to discrimination cases if they are handed to the LDO. But if they are taken to court to advance a claim for compensation, the same time limits apply as in other cases of claim of compensation, according to Norwegian laws. Please refer also to 2.B.

Organisation:	E-mail:	Phone:
Likestillings- og diskrimineringsombudet (LDO)	<a href="mailto:post@ldo.no">post@ldo.no</a>	Tel.: 24055950
Antirasistisk senter, Pb. 244 Sentrum, 0103 Oslo	<a href="mailto:epost@antirasistisksenter.no">epost@antirasistisksenter.no</a>	Tel.: 23139000
Norsk organisasjon for asylsøkere, Postboks 8893 Youngstorget, N - 0028 Oslo, Norway	<a href="mailto:noas@noas.org">noas@noas.org</a>	Tel.: 22 36 56 60 Fax: 22 36 56 61
Organisasjon mot offentlig diskriminering (OMOD), Pb. 4633 Sofienberg, 0506 Oslo	<a href="mailto:omod@online.no">omod@online.no</a>	Tel: 22 20 87 37 22 20 62 17
Norsk Folkehjelp, Postboks 8844, Youngstorget 0028 Oslo, Ole-Fredrik Einarsen	<a href="mailto:ofe@npaid.org">ofe@npaid.org</a>	Tel.: 98229532
Landsorganisasjonen i Norge (LO), Youngs gate 11, 0181 Oslo	<a href="mailto:lo@lo.no">lo@lo.no</a>	Tel.: 23 06 10 50
YS, Postboks 9232, 0134 Oslo	<a href="mailto:post@ys.no">post@ys.no</a>	Tel.: 21 01 36 00
Organisasjonen for lesbisk og homofil frigjøring (LLH), Postboks 948 Sentrum, 0104 OSLO	<a href="mailto:post@llh.no">post@llh.no</a>	Tel.: 23103939
SOS Rasisme, Brug. 14, 0186 Oslo, (flere lokallag)	Se <a href="http://www.sosrasisme.no">www.sosrasisme.no</a>	Tel.: 23 00 29 00
Selvhjelp for innvandrere og flyktninger, Pb.6856 St.Olavs pl., 0130 Oslo (flere lokallag)	<a href="mailto:seif@seif.no">seif@seif.no</a>	Tel.: 22034830
JUSSBUSS, Arbinsgate 7, 0253 Oslo NB! Kun personlig oppmøte.	No e-mail	Tel.: 22842900
JURK , PB 2691 Solli , 0204 Oslo	No e-mail	Tel: 2284 29 50
Rettighetssenteret (Rettigheter for funksjonshemmede og kronisk syke) Postboks 4568 Nydalen, 0404 Oslo	<a href="mailto:rettighetssenteret@ffo.no">rettighetssenteret@ffo.no</a>	Tel.: 22 79 90 60Faks: 22 79 91 98

In addition the victim might call the local free counselling offices/pro bono legal assistance – see information from the municipality for further details.

## 2.E What support exists at national level for accessing the different procedures, and what can be done to overcome any impediments/obstacles?

The impediments and obstacles are:

- Changes in the pro bono legal assistance arrangement – less money allocated for this purpose.
- People in general do not know how they can promote a case of discrimination.
- Costs by taking a case to court, and the publicity (work related discrimination)
- The physical access to courts for disabled people

Support:

- possibility of being represented by trained NGO or trade union advice worker or lawyer
- resources at the national Ombudsman for selective to support of individual complaints
- legal aid provided by the municipality and the state

**SECTIONS 2.F, 2.G AND 2.H ONLY APPLY TO EU MEMBER STATES**  
**The three sections below are provided for information**

**2.F Referrals to the European Court of Justice**

Where there is a disputed issue of EU law and the judge is uncertain how to interpret a provision at EU law, a referral can be made by a national court to the European Court of Justice in Luxembourg under Article 234 of the Treaty. The parties to the proceedings can ask the national judge to grant a request for such a referral, or the judge can decide spontaneously to refer the case. Any court may make a referral, but only the national court of last instance is obliged to do so.

This may be a highly effective procedure because:

- Requesting a referral can concentrate the mind of the presiding judge and ensure that s/he gives proper consideration to the complaint, especially to the fact that it raises issues of European rights.
- National bodies, particularly public bodies, are impressed by its high profile and may take steps to avoid the exposure of discrimination at national level to pan-European scrutiny.
- The European Court is the only body that can give a definitive interpretation of the terms used in the Directives.

However this is a specialised procedure and expert EU lawyers familiar with its use need to be retained. In addition, it is important to note that the national case is "stayed" (put aside) until the ECJ has decided the issue before it, and this delay of sometimes two years can have serious consequences for the complainant.

**2.G Petitions to the European Parliament**

The Committee on Petitions of the European Parliament can receive petitions from Citizens of the Union who wish the Committee to investigate their complaint/s that their rights under European Union law are not being properly respected.

**2.H Alerting the European Commission to discriminatory administrative practices**

It is also possible to write directly to the Commission, which may often be a quicker process than that outlined above under 3.2.G. This could be done with a view to encouraging the Commission to initiate infringement proceedings against the offending State.

The Commission and the Parliament would be bound by the EU Charter of Fundamental Rights' provision on the right to good administration (Article 41) if adopted:

- Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union.
- This right includes
  - the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
  - the right of every person to have access to his or her file, while respecting the legitimate interest of confidentiality and of professional and business secrecy;
  - the obligation of the administration to give reasons for its decisions.
- Every person has the right to have the Community made good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.

- Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language.

## **2.I Complaints to the European Court of Human Rights**

In addition, when all effective national legal remedies have been exhausted, a person may, if the case concerns issues covered by the European Convention on Human Rights, apply to the European Court of Human Rights in Strasbourg (see Key Concepts section).

This can be done under Article 14 of the Convention provided another Article is also engaged or, if the country has ratified it, under Protocol 12 to the Convention. Norway has signed but not ratified Protocol 12.

Collective complaints can also be made under the Council of Europe's European Social Charter.

## **2.J Other international remedies**

Where the state is a party to the 1st Optional Protocol to the International Covenant on Civil and Political Rights, or has accepted the right of individual petition under the Convention on the Elimination of all forms of Racial Discrimination or the Convention on the Elimination of Discrimination Against Women, complaints can be brought to those Committees.

NGOs/trade unions should also ensure that they alert the Committees which examine the State's periodic reports under the ICCPR, CERD, CEDAW and the Convention on the Rights of the Child to instances of discrimination.

## **2.K Professionalism**

Everyone in a NGO/trade union who takes up the case of an individual or a group of individuals must be aware of the need to observe high standards of professionalism, including confidentiality and efficient management of case files. For individuals whose cases the NGO/trade union is not able to assist with, the NGO/trade union should be able to provide relevant information and, wherever possible, referrals to another agency that is able to provide further advice and support. The LDO office offers advice and can be consulted in cases of discrimination, and a dialogue with the LDO might enhance the quality on the assistance to the individual or group.

## **3. Societal issues**

### *1. Racial and/or ethnic discrimination*

In Norway we usually describe racial or ethnic discrimination (racism) as discriminating attitudes and action towards national and ethnic minorities, or more precisely people that are visibly non-white, and therefore do not seem like your typical ethnic Norwegian. These will characteristically be work migrants and refugees from Africa, Latin-America or Asia, Norwegians that have been adopted from one of these continents, and last national ethnic minorities such as the samis (aboriginal population), kvener, jews, romani people amongst others. The groups that today in Norway are target for the most visible racial discrimination are the migrants and refugees from Africa, Latin-America and Asia. This is not to say that racial discrimination does not affect other groups like jews, samis etc.

### *2. Discrimination of religion and belief*

Some of the groups that are the victims of discrimination because of their non-white appearance, or non-western way of dressing are also discriminated on the basis of their religion and cultural identity.

Much attention was placed upon the use of head wear, and a long public debate followed, when it was public known that some companies denied their female employees to wear a scarf as a head-wear (hijab). Possibly a sign of the long way to go for Norway to truly become a multicultural society were diversity in ethnicity, dress, religion, etc are accepted and embraced.

### *3. Age Discrimination*

Discrimination because of old (and young) age is a relevant issue today. In the labour market age it is clearly a source of discrimination when it comes to acquiring new employment.

### *4. Discrimination of disabled people*

The physically disabled has probably always had difficulties in all forms of public life. Their entrance and acceptance in the labour market has not been facilitated by the strengthened demands towards efficiency and productivity, in spite of the fact that Norway has by now developed a strong legal protection and programs to include the disabled in the labour market. The biggest barrier towards their acceptance is the belief among many employers that the adaptation necessary for their well functioning is too expensive and troubling.

### *5. Sexual orientation as reason for discrimination*

There is a shortage of research on this topic in Norway. We know little about the extent of discrimination at the workplace, the housing market etc. We do know that there is a great amount of discrimination towards gay people in the church, which in Norway is a state institution.

## **d) Funding opportunities in the field of anti-discrimination**

### **1. EU funding for NGOs/Trade Unions operating at the EU level**

#### **a) *European-level NGOs***

European-level NGOs are in a central position to influence and contribute to European employment, social and equal opportunity policies at different levels – both in its formulation and implementation – through the information and expertise supplied by their national members. This is vital in order to ensure that EU policies meet the actual needs of EU citizens, and that citizens are informed about them.

Between 2001 and 2006, the Community Action Programme to combat discrimination provided funding for a number of European umbrella NGO networks representing and defending the rights of people exposed to discrimination:

AGE (The European Older People's Platform); ILGA Europe (International Lesbian and Gay Association – Europe); ENAR (European Network Against Racism); and EDF (European Disability Forum) have been granted a total of 3 000 000 € per year towards their running costs up to the end of April 2007. A number of smaller organisations – the European Blind Union, The European Union of the Deaf, Inclusion Europe, Autisme-Europe – also received support under the Action Programme.

Until the end of 2006, the European Women's Lobby received running cost support through the Gender Equality Programme with an annual amount of around 800.000 €.

A number of NGOs working to tackle social exclusion (European Anti-Poverty Network, European Federation of National Organisations Working with the Homeless, European Transregional Network for Social Inclusion, Eurochild, European Social Network, Caritas-Europe) received funding from the Community Programme to Combat Social Exclusion with a total of 3.600.000 € between 2005 and 2007.

For the new 2007-2013 programming period, the European Commission decided to create a new integrated programme known as **PROGRESS** (Programme for Employment and Social Solidarity). The programme was approved by the European Parliament and Council in November 2006: [http://ec.europa.eu/employment\\_social/progress/index\\_en.html](http://ec.europa.eu/employment_social/progress/index_en.html)

PROGRESS combines the four former Community Action Programmes, including that relating to non-discrimination: Section 4 of PROGRESS, entitled "Anti-discrimination and diversity", thus aims to support the effective implementation of the principle of non-discrimination and to promote its mainstreaming in all EU policies.

Calls for proposals and tenders under PROGRESS are published on the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities on: [http://ec.europa.eu/employment\\_social/emplweb/tenders/index\\_en.cfm](http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm)

A first PROGRESS call for the award of a financial contribution towards the operating costs in 2007 of European-level networks active in the field of combating discrimination, promoting gender equality and promoting the integration of disabled people in society was launched in November 2006. Grant agreements for the successful EU-level networks will run until December 2007.

## ***b) European Trade unions***

The European Trade Union Confederation (ETUC) represents workers across the industries at European level. Set up in 1973, the ETUC includes 81 national organisations from 36 European countries (among them all the EU countries) and 11 European industry federations, with some 60 million members.

The ETUC is one of the four main European social partner organisations. Numerous European social partners' projects are supported every year by the European Commission's social dialogue budget lines (04.03.03.01, 04.03.03.02 and 04.03.03.03). For more information:

[http://ec.europa.eu/employment\\_social/social\\_dialogue/grants\\_en.htm](http://ec.europa.eu/employment_social/social_dialogue/grants_en.htm)

### **2. EU funding for national NGOs/Trade Unions**

While the EU does not provide for core-funding of national NGOs or national trade unions under PROGRESS, organisations may be able to receive funding for projects through their participation in specific initiatives such as national awareness raising activities or trans-national projects. National organisations are therefore advised to regularly check the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities and consult the guidelines published there to check whether projects from national NGOs/trade unions are eligible for funding:

[http://ec.europa.eu/employment\\_social/emplweb/tenders/index\\_en.cfm](http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm)

The EU-level NGOs such as AGE, ILGA-Europe, EDF or ENAR are also a good source of information. It is therefore recommended to also check the information that is provided on their web page.

In addition to PROGRESS, the European Social Fund (ESF) can be a source of project financing for national organisations. The ESF will between 2007 and 2013 focus on four key areas for action, including reinforcing social inclusion by combating discrimination and facilitating access to the labour market for disadvantaged people. More information can be obtained from:

[http://ec.europa.eu/employment\\_social/esf2000/2007-2013\\_en.html](http://ec.europa.eu/employment_social/esf2000/2007-2013_en.html)

The European Commission does not directly fund ESF projects. Member States are responsible for identifying their priorities for funding and for selecting individual projects. For further information, you should contact the relevant national/regional authority whose contacts are available on:

[http://ec.europa.eu/employment\\_social/emplweb/esf/esf\\_matrix\\_en.cfm](http://ec.europa.eu/employment_social/emplweb/esf/esf_matrix_en.cfm)

## **II. Funding opportunities for NGO's/trade unions working on anti-discrimination at national level.**

Please for the sake of comparability and easiness to read for the Commission and other reader, it is essential to respect the template

### **1. Does the European Commission delegation in your country provide for specific funding for NGOs/trade unions working on non-discrimination at national level? What form does that funding take? (project subsidy, provision of meeting room, etc). Is it easy to access such funding? What are the conditions to receive such funding?**

The European Union Commission's delegation in Norway is not providing for specific funding for NGOs /trade unions working on non-discrimination at national level.

**2. Does the central government provide for specific funding for NGOs/trade unions working on anti-discrimination?**

The government gives operational subsidies to 9 nationwide NGO's that work within the refugee/immigrant/discrimination field (post 71 – kap. 651, Statsbudsjettet 2007)

Please see example of funding in the table below:

<b>NGO</b>	<b>Operational subsidy in 2007 EURO /NOK</b>
Afrikan Youth in Norway	37561,04/300.000
Antirasistisk senter (Centre Against Racism)	307283,96/2 454 277
Human Rights Service	213130,96/1 702 277
Innvandrenes landsorganisasjon (Nationwide Immigrant Network)	105956,8/846 277
Kristent innvandrerarbeid (Christian immigrantwork)	148463,75/1 185 780
MiRA Ressurssenter (MiRA Resource Center)	148437,26/1 184 277
Norsk organisasjon for asylsøkere (Norwegian association for asylum seekers)	226148,05/1 804 277
Organisasjon mot offentlig diskriminering (Network against Public Discrimination)	165804,06/1 324 277
SOS Rasisme (SOS Racism)	70649,43/564 277
Selvhjelp for innvandrere og flyktninger (Self-help for immigrants and refugees)	217137,47/1 734 277

**3. What forms does this funding take? (core funding, project funding, facilities) Are such funding possibilities part of specific governmental programmes? (which ones and from which ministries)**

The Directorate of Integration and Diversity (IMDi) administers this subsidy (delegated from the Labour and Inclusion Department).

**4. Is it easy to access such funding? What are the conditions?**

- a) Operational subsidies to nationwide NGO's that work within the refugee/immigrant/racial discrimination field

The goal with the subsidy is to support NGO's that works to ensure that everybody has the same opportunities, rights and duties in order to participate in society and utilise their resources. The ministry does not specifically mention anti-discrimination work, although it is clearly defined under this kind of work.

- b) Two kinds of subsidies to NGO's
- i. Operation of local immigrant NGO's.
  - ii. Measures that contributes to participation, dialogue and cooperation in the local community.

These are federal subsidies that are administrated by the provincial authorities called *fylkeskommunene*. This arrangement was established in order to ensure that the funds are distributed according to local standards and possibilities. The size of the total subsidies available is decided each year by the federal budget. In 2007 there is 14,3 mill NOK available. IMDi distributes the funds to the provincial authorities on the basis of the immigrant population in each province. Statistics from the Central bureau of Statistics is used as a source for this distribution.

The first kind of subsidy has the following purposes:

- Strengthen the local organisation of immigrants
- Increase diversity by facilitating organisation of immigrants, women and gay people, so that they have access to larger social networks
- Enable immigrants to gather further common interest towards the authorities

The second subsidy goes to voluntary work in the local community. Here it is explicitly noted that measures against racism and discrimination will be one of 5 areas of focus that will have priority.

c) Who can apply?

Everybody can apply from subsidy nr. 2:

- Local and regional immigrant organisations, other voluntary organisations, public organisations in cooperation with voluntary actors, groups and individuals.

d) How does one apply for support?

By contacting the provincial administration, fylkeskommunen, and ask for a formula. There is a need for filling out one application for each measure. The subsidy is usually given first once the measure has materialised. Measures that have priority are:

- Measures that lead to contact between minority and majority population

**5. In case of federal countries, are there funding possibilities at the federated level?**

Norway is not a federal country, so no funding possibilities exist at this level.

**6. Are there other governmental funding possibilities at regional level? At municipality level?**

There are no funding designed to cover anti discrimination projects as such, but the regional level and the municipality level might finance projects that covers work against discrimination as a part of a project designed to promote integration.

**7. Are there any private funding possibilities? (private foundations, private companies, headquarters of trade unions, etc.) What are they? Is it easy to access these sources of funding?**

**Benjamin`s Memory Fund (Benjamins minnefond)**

[www.benjaminsminnefond.no](http://www.benjaminsminnefond.no)

The foundation Benjamins Minnefond was created in the name and memory of Benjamin Hermansen, who was murdered by a group of neo-nazis in the Oslo`s suburb Holmlia the 26. January 2001. After his murder the trust was made possible from gifts and fund raising. The purpose of the foundation is to further preventative work against racism. Work directed to children and youngsters are given priority. All kinds of non –profit interests may apply for economic support; this means children, youngsters and adults which are doing voluntary or idealistic work.

It`s possible to apply for money to projects with anti-racism purposes, and to increase the understanding between different cultures. The project may last for a shorter or longer period. Maximum amount: 20.000 Norwegian kroner (NOK).

Applicants must give a short description of the project; enlist the people in charge and the target group. Detailed budget and reasons for why this project should be given support.

**Scheiblers trust ([www.scheibler.no](http://www.scheibler.no))**

The purpose of the trust fund is to support profitable actions for the society and cultural initiatives. The board of directors gives economic support mainly to social projects which are concrete in their form. The fund also hands out awards.

The means that the Scheiblers trust fund hands out are outcomes from values injected in the trust fund through disposal of the Fabritius Consortium. This company was built up by the Scheibler family. In 2006, the trust fund handed out 14 million NOK.

1) Social projects.

The trust fund has the last years given priority to support:

- Work to prevent violence and racism between children and youngsters.
- Effort to help people who are in difficulties.
- Nanna Maries Hjem (An organisation which helps parents in difficulties).

2) Cultural initiatives

Cultural initiatives which are considered profitable for the society are given priority.

3) Prize of honour.

The prize of honour is given to a person who, through his or hers effort has distinguished themselves to help other people.

The prize of talent is given to a young person who shows talent in the art/ handicraft/ design sector.

**Trusts, foundations directed to measures of inclusion**

**Fritt ord ([www.frittord.no](http://www.frittord.no))**

The purpose of the trust fund is to protect and strengthen the freedom of speech and its conditions in Norway, especially by inciting to debates and use of free speech without fear. Fritt ord also support other parts of the Norwegian culture, primarily the part of the culture related to words.

Under special circumstances the trust fund can contribute to further the freedom of speech in other countries.

The contributions from Fritt ord shall be to hand out the prizes: "Fritt Ords Pris" and Fritt Ords Honnør". Fritt ord also gives direct economic support to particular projects, as a result of an application to a project or from their own board's initiative.

**8. Are there any other source of funding?**

No, there are no other sources of funding.

## Annexes

### The role of trade unions combating discrimination

#### Intended learning outcome:

- For the participants to have explored the roles trade unions can and should play in combating discrimination.

#### **1. What is a trade union?**

A trade union is an organised association of workers, whose aims are to protect, and further workers' rights and interests and represent them at a variety of levels (workplace, sector, national). Originally, unions organised workers along the lines of specific 'trades' and professions (such as hairdressers, teachers, construction workers) but increasingly common are unions with a wider remit (like: workers in commercial services or 'the public sector'). Trade unions can be organised at company level (which is quite common in several countries) or by sector (education, transport, etc.). Unions can also be organised as federations and can also be part of European or international networks.

In several countries, trade unions may have historical links with certain political groupings, ideologies or denominations (socialist, communist, liberal, Christian), and a few have close links with a political party.

However, a common and essential feature to all trade unions is that they are democratic and independent organisations. Democratic because they are membership based and representative organisations, in which every member has a vote and is part of the decision-making process. Independent, because they have to be independent from employers and public authorities to be able to play their role of representatives of workers properly, in which negotiations and compromises but also conflicts (such as strikes) are part of the game.

Trade unions are normally funded by members' subscriptions.

#### **2. What is the role of a trade union in combating discrimination?**

When considering what role trade unions can have in combating discrimination, they should take full advantage of the special roles that have been given to them under Articles 7 and 11 of Council Directive 2000/43/EC, and Articles 9 and 13 of Council Directive 2000/78/EC.

Trade unions are clearly important to the development of peaceful, democratic, well-managed, healthy and prosperous workplaces that engage with and promote equal opportunities, and through the workplace also contribute to these same goals in society at large.

Trade unions as instruments of social dialogue can combat discrimination in the following ways:

- Negotiating with employers to ensure that discrimination in the workplace is eliminated and that equal opportunities are promoted.
- Providing a means for expressing and addressing the needs of workers who are discriminated against in the workplace.
- Supporting victims of discrimination in securing a settlement with the employer (alternative dispute resolution).
- Supporting victims of discrimination in their search for access to justice.
- Promoting equality and diversity in the workplace and in the sector.
- Establishing mechanisms to influence decision-making by employers and Government.

- Mainstreaming non-discrimination and equal treatment in policies and practices.
- Challenging employers, organisations and authorities to combat discrimination.
- Monitoring, documenting and denouncing discrimination.
- Ensuring that equality is prominent on the political agenda and encouraging campaigns and action to eliminate discrimination and promote equality.

A trade union can

- Work in partnership with other trade unions to achieve shared aims.
- Work in partnership with NGOs in order to achieve shared aims.
- Cooperate with national equality bodies, for example in building up networks of equality representatives, or in organising training and expertise for workers' representatives.
- Empower groups to engage in campaigns, to be self-advocates and to assert and enforce their rights.
- Work, where appropriate, in partnership with Governments/employers to achieve common aims and objectives.
- Challenge, where appropriate, Governments/employers when they are promoting policies which are contrary to the trade union's objectives.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities within the framework of Government policies and adopt and promote strategies of Trade unions and strategies negotiated between Trade unions and Government.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities outside the framework of Government policies and adopt and promote trade unions' objectives and, strategies even if those are contrary to Government policies.
- Ensure the co-ordination of its own services and to engage Government/employers in discussions on the co-ordination of services between the Government and trade unions, where those services relate to equal opportunities.
- Provide properly professionally researched advice to Governments/employers on issues of concern.
- Advocate and campaign for change as a response to need.
- Guide and contribute significantly to legislative and policy making processes, by providing properly researched advice and briefings to politicians in Government and to employers and other persons of influence.
- Be vigilant "watchdogs" - pointing out where Governments/employers are actively discriminating, or failing in their obligations to combat discrimination or where they need to improve their performance, and enforcing the operation of the checks and balances that characterise democratic society. In this role trade unions must target Government and the business community by advocacy, lobbying and negotiating functions when required.
- Challenge, by appropriately selected mechanisms, acts, omissions, administrative practices or policies which are contrary to the trade unions' and the workers' objectives.
- Keep track of and ensure that advantage is taken of all new developments in combating discrimination, e.g. new legislation (national, EU and international), new policies (national, EU and international), new sources of funding, and landmark judicial decisions (at both national, EU and international level).
- Be open, transparent and accountable to members and to the public.
- Increase the strength of trade unions' participation in social dialogue by forming networks and coalitions, and promoting original initiatives and solutions. This can help to reduce prejudice within society, thus promoting equality.
- Work openly and in a spirit of collaboration with other trade unions and NGOs operating in related fields and prevent conflicts and disputes occurring between trade unions or NGOs.

- Put pressure on a state to ratify international instruments which allow for the international spotlight to be shone on Government practices relating to equal opportunities.
- Supply national and international bodies with essential and reliable information on which they can draw when examining a country's record on discrimination.

In summary, the role of trade unions should be to check, monitor and challenge the actions of employers and Governments and other organisations, in order to combat discrimination and to assist workers and groups of workers in asserting their rights.

### **3. What activities can a trade union do to combat discrimination?**

The following is a suggested list of activities and services that a trade union can carry out or provide in order to help combat discrimination on all grounds:

- Negotiating.
- Awareness-raising.
- Monitoring/Influencing the development of policy & law.
- Providing support to individual victims of discrimination and to individuals as part of a collective complaint.
- Litigation.
- Alternative Dispute Resolution including mediation.
- Campaigning and organising.
- Advocating changes in practice (as distinct from policy or law).
  - Promoting the establishment of focal groups around a specific ground of discrimination (disability, race-ethnicity, etc.) to offer workers a place where they can share common experiences and discuss which policies to develop in their workplace and their union, and how to join forces to put their interests on the general trade union agenda
  - Adapt their recruitment campaigns to an increasingly diverse workforce, and making the diversity of the trade union movement more visible in internal and external publicity
  - Promote female members and members from a minority background in positions of decision-making and leadership.

### **4. What does a trade union need to fulfil its role?**

- Human Resources.
- Skills.
- Knowledge.
- Expertise.
- Openness.
- Transparency.
- Accountability to their members.
- Non discriminatory attitudes within its own organisation.
- Appropriate national legislation in place regarding its establishment and functioning.
- Funding. Although clearly the core functions and activities must be funded independently by members' contributions, many unions make use of project subsidies by governments and private funds for specific aims. Especially in the area of non-discrimination, a variety of possibilities for funding are available.

**5. Why are trade unions better placed than other organisations to work towards combating discrimination in the employment field?**

- Because trade unions are active in the workplace, they are often best placed to detect patterns of discrimination at work, and to take action to combat disadvantage.
- Trade unions can represent workers collectively, for instance in works councils and collective bargaining, which can often be the most effective way of achieving change and eliminating discrimination in the workplace.
- Trade unions play a crucial role in engaging with workers and employers at the local, regional, national and international level.

**6. What are the obstacles for trade unions and how might these be overcome?**

- Lack of standing in order to participate in relevant political debates. Trade unions will need to be sure that they brief an individual or organisation that does have standing.
- Lack of standing in order to bring complaints, either individually or collectively. Trade unions can support and assist those who do have standing, or seek to reform the rules.
- Perception of affiliation to Government or a political party or other group so undermining their reputation as impartial advocates of equality issues. A trade union needs to ensure to act in a way that does not conflict with members' fundamental rights to equality, and ensure that any connections with political parties or other organisations or causes do not conflict with members' rights.
- Passivity from some of their members/employees or even their leadership regarding action to be taken against discrimination.
- Conflicts between the interests of the majority of members, and the rights of minority members.
- Own prejudices.
- Lack of effective 'partnership' between Government/employers and trade unions. Lack of effective cooperation with NGOs.
- Lack of membership among the discriminated groups of workers, and therefore a lack of interest among the members and the leadership to deal with these issues. This may be a vicious circle, as clearly a trade union that does not show an interest in representing the interests of for instance women or migrant workers will not easily convince those workers that they should join a union.
- Inability to reach some parts of the workforce or senior management due to ineffective structures, poor organisation, externally imposed priorities, or cultural or language barriers. Trade unions should ensure that *their own organisations* have a diverse workforce with personnel who have received equal opportunities training and who are aware, of relevant social and political history, including the history of exclusion and discrimination of certain groups within the community and, where relevant, a range of language skills.