



The Act relating to Gender Equality

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(<http://www.regjeringen.no/en/dep/bfd/id298/>)

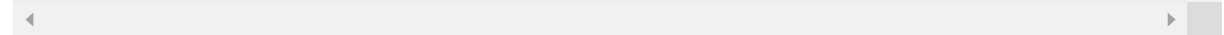
Act relating to gender equality (the Gender Equality Act)

Chapter 1. Purpose and scope

Section 1. *Purpose*

The purpose of this Act is to promote equality irrespective of gender. Equality shall mean:

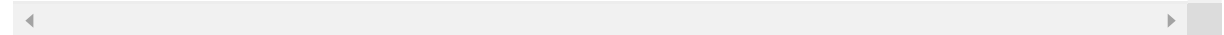
a) equal status,



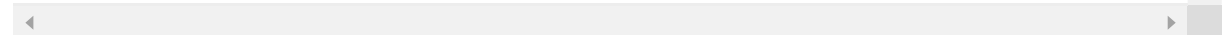
b) equal opportunities and rights,



c) accessibility, and



d) accommodation.



This Act has the particular objective of improving the position of women.

Section 2. *Factual scope of this Act*

This Act shall apply in all sectors of society.

The King may issue regulations providing that the service of women in the Norwegian Armed Forces shall fall entirely or partly outside the scope of this Act.

Section 3. *Geographical scope of this Act*

This Act shall apply throughout the country, including on Svalbard and Jan Mayen. This Act shall also apply on fixed and mobile installations in operation on the Norwegian continental shelf and aboard Norwegian ships and Norwegian aircraft.

The King shall issue regulations on the application of this Act to posted workers; see section 1-7 of the Working Environment Act.

Section 4. *Invariability*

The provisions of this Act may not be varied by agreement.

Chapter 2. Prohibition against discrimination

Section 5. *General rule regarding the prohibition against discrimination*

Discrimination on the basis of gender shall be prohibited. Discrimination on the basis of pregnancy and leave in connection with childbirth or adoption shall be deemed discrimination on the basis of gender. The prohibition shall apply to discrimination on the basis of a person's actual, assumed, former or future pregnancy or leave. The prohibition shall also apply to discrimination on the basis of the gender of a person with whom the person who is discriminated against has a connection.

“Discrimination” shall mean direct and indirect differential treatment that is not lawful pursuant to section 6 or section 7. “Direct differential treatment” shall mean an act or omission that has the purpose or effect that a person is treated worse than others in the same situation, and that is due to gender. “Indirect differential treatment” shall mean any apparently neutral provision, condition, practice, act or omission that results in persons being put in a worse position than others, and that occurs on the basis of gender.

Section 6. *Lawful differential treatment*

Differential treatment shall not breach the prohibition in section 5 if:

a) it has an objective purpose,

b) it is necessary to achieve the purpose, and

c) the negative impact of the differential treatment on the person or persons whose position will worsen is reasonably proportionate in view of the intended result.

Section 7. *Positive differential treatment*

Positive differential treatment of one gender shall not breach the prohibition in section 5 if:

a) the differential treatment is suited to promote the purpose of this Act,

b) the negative impact of the differential treatment on the person or persons whose position will worsen is reasonably proportionate in view of the intended result, and

c) the differential treatment will cease when its purpose has been achieved.

The King may issue regulations on the types of differential treatment that are permitted pursuant to this Act, including provisions on the differential treatment of men in connection with teaching of and care for children.

Section 8. *Prohibition against harassment*

Harassment on the basis of gender and sexual harassment shall be prohibited.

“Harassment on the basis of gender” shall mean acts, omissions or statements that have the effect or purpose of being offensive, frightening, hostile, degrading or humiliating. “Sexual harassment” shall mean unwanted sexual attention that is troublesome to the person receiving the attention.

Section 9. *Prohibition against retaliation*

It shall be prohibited to retaliate against anyone who has submitted a complaint regarding breach of this Act, or who has stated that a complaint may be submitted. This shall not apply if the complainant has acted with gross negligence. The prohibition shall also apply to witnesses in a complaint case.

It shall be prohibited to retaliate against anyone who fails to follow an instruction that breaches section 10.

Section 10. *Prohibition against instructions*

It shall be prohibited to instruct anyone to discriminate, harass or engage in retaliation contrary to this Act.

Section 11. *Prohibition against participation*

It shall be prohibited to participate in discrimination, harassment, retaliation or instruction contrary to this Act.

Chapter 3. Active equality efforts

Section 12. *Duty of public authorities to make active equality efforts*

Public authorities shall make active, targeted and systematic efforts to promote gender equality.

Section 13. *Gender balance on public committees*

When a public body appoints or selects committees, governing boards, councils, boards, delegations, etc., both genders shall be represented as follows:

a) If the committee has two or three members, both genders shall be represented.

b) If the committee has four or five members, each gender shall be represented by at least two members.

c) If the committee has six to eight members, each gender shall be represented by at least three members.

d) If the committee has nine members, each gender shall be represented by at least four members.

e) If the committee has more members, each gender shall be represented by at least 40 per cent of the members.

The first paragraph shall also apply in connection with the selection of deputy members.