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The Anti-Discrimination Act

The Act on prohibition of discrimination based on ethnicity, religion, etc. (the Anti-Discrimination Act) (unofficial translation)

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The Act came into force 1 January 2006.

Section 1. Purpose

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.

Section 2. The International Convention on the Elimination of All Forms of Racial Discrimination

The International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 shall apply as Norwegian law. The convention shall be published in the Norwegian Law Gazette in one of the original languages and in a Norwegian translation.

Section 3. Scope

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, cf. section 4, first paragraph, 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 Act shall apply to actions carried out in the Realm, including on Svalbard and Jan Mayen. It shall also apply to permanent and mobile installations used in activities on the Norwegian continental shelf and on Norwegian vessels and aircraft.

Section 4. 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” shall mean that 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” shall mean 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. “Indirect discrimination in working life” shall mean any apparently neutral provision, condition, practice, act or omission that in fact has the effect of putting a job applicant or employee in a less favourable position than other job applicants or employees on such grounds as are mentioned in the first paragraph.

Differential treatment that is necessary in order to achieve a legitimate aim, and which does not involve a disproportionate intervention in relation to the person or persons so treated is not regarded as discrimination pursuant to the present Act.

It is prohibited to be an accessory to any breach of the prohibition against discrimination laid down in the present section.

Section 5 Prohibition against harassment

Harassment on such grounds as are mentioned in section 4, first paragraph, is prohibited. “Harassment” shall mean acts, omissions or statements which have an offensive, frightening, hostile, degrading or humiliating effect, or which are intended to have such an effect.

It is prohibited to be an accessory to any breach of the provision in the first paragraph.

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.

Section 6. Prohibition against instructions

It is prohibited to instruct anyone to carry out an act of discrimination or harassment on such grounds as are mentioned in section 4, first paragraph. It is also prohibited to instruct anyone to carry out an act of reprisal in breach of section 9.

It is prohibited to be an accessory to any breach of the provision in the first paragraph.

Section 7. Prohibition against obtaining information in connection with appointments

Employers shall not, when advertising for new employees or in another manner ask applicants to provide information regarding their stance on religious or cultural issues. Nor may employers initiate measures to obtain such information in another manner.

The prohibition in the first paragraph shall not apply if the information regarding the applicants' stance on religious or cultural issues is obtained on account of the nature of the position, or if it is part of the purpose of the enterprise concerned to promote specific religious or cultural views and the stance of the employee will be significant for the accomplishment of the said purpose. If information of this nature will be required, this must be stated in the advertisement of the vacant position.

Section 8. Positive action

Specific measures that contribute to promote the purpose of the Act shall not be regarded as discrimination pursuant to this Act. Such measures shall cease when the purpose of it has been achieved.

Section 9. Prohibition against acts of reprisal

It is prohibited to carry out reprisals against anyone who has made a complaint concerning a breach of the provisions of sections 4, 5, 6 or 7, or who has stated that a complaint may be made. This shall not apply if the complainant has acted with gross negligence.

The first paragraph shall apply correspondingly to witnesses.