



The Act on prohibition of discrimination based on ethnicity, religion, etc.

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

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Act relating to a prohibition against discrimination on the basis of ethnicity, religion and belief (the Ethnicity Anti-Discrimination Act)

Chapter 1. Purpose and scope

Section 1. *Purpose*

The purpose of this Act is to promote equality irrespective of ethnicity, religion and belief. Equality shall mean:

a) equal status,

b) equal opportunities and rights,

c) accessibility, and

d) accommodation.

Section 2. *Factual scope of this Act*

This Act shall apply in all sectors of society, with the exception of family life and other purely personal relationships.

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.

Section 5. *UN Racial Discrimination Convention*

The United Nations International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 shall apply as Norwegian law.

Chapter 2. Prohibition against discrimination

Section 6. *General rule regarding the prohibition against discrimination*

Discrimination on the basis of ethnicity, religion or belief shall be prohibited. Discrimination on the basis of national origin, descent, skin colour and language shall also be deemed discrimination on the basis of ethnicity. The prohibition shall apply to discrimination on the basis of actual, assumed, former or future ethnicity, religion or belief. The prohibition shall also apply to discrimination on the basis of the ethnicity, religion or belief 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 7 or section 8. “Direct differential treatment” shall mean an act or omission that has the purpose or effect that a person or an undertaking is treated worse than others in the same situation, and that is due to ethnicity, religion or belief. “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 ethnicity, religion or belief.

Section 7. *Lawful differential treatment*

Differential treatment shall not breach the prohibition in section 6 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 8. *Positive differential treatment*

Positive differential treatment on the basis of ethnicity, religion or belief shall not breach the prohibition in section 6 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 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.

Section 9. Prohibition against harassment

Harassment on the basis of ethnicity, religion or belief shall be prohibited. "Harassment" shall mean acts, omissions or statements that have the effect or purpose of being offensive, frightening, hostile, degrading or humiliating.

Section 10. 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 11.

Section 11. Prohibition against instructions

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

Section 12. *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 13. *Duty of public authorities to make active equality efforts*

Public authorities shall make active, targeted and systematic efforts to promote equality irrespective of ethnicity, religion or belief.

Section 14. *Activity duty of employer and employee organisations*

Employer and employee organisations shall make active, targeted and systematic efforts to promote the purpose of this Act within their fields of activity.

Section 15. *Duty of organisations and educational institutions to preclude and prevent harassment*

The managements of organisations and educational institutions shall, within their areas of responsibility, preclude and seek to prevent the occurrence of harassment contrary to section 9.

Chapter 4. Supplementary rules relating to employment relationships

Section 16. *Prohibition against discrimination in employment relationships*

The prohibitions in chapter 2 shall apply to all aspects of an employment relationship. This shall include the following:

- a) announcement of a position,

