



The Anti-Discrimination Ombud Act

The Act on the Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal (The Anti-Discrimination Ombud Act).

Law | Date: 20/02/2007 | [Ministry of Children and Families](#)

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

Section 1. *The purpose and scope of the Act*

This Act prescribes rules regarding the organization and activities of the Equality and Anti-Discrimination Ombud (the Ombud) and the Equality and Anti-Discrimination Tribunal (the Tribunal).

The Ombud and the Tribunal shall monitor and contribute to the implementation of the following sets of rules:

1. The Act of 9 June 1978 No. 45 relating to gender equality, unless otherwise provided by this Act.
2. The Act of 3 June 2005 No. 33 on prohibition of discrimination based on ethnicity, religion, etc., unless otherwise provided by this Act.
3. The Act of 4 February 1977 No. 4 relating to Worker Protection and Working Environment, Chapters X A and X B.
4. The Act of 23 May 1977 No. 31 relating to Owner-Tenant Sections, section 3a, second paragraph.
5. The Act of 26 March 1999 No. 17 relating to Tenancy Agreements, section 1-8, second paragraph.
6. The Act of 6 June 2003 No. 38 relating to Cooperative Housing Associations, section 1-4, second paragraph.

7. The Act of 6 June 2003 No. 39 relating to Housing Cooperatives, section 1-5, second paragraph.

The Ombud shall monitor that Norwegian law and administrative practice are in accordance with Norway's obligations pursuant to the following conventions:

1. The United Nations International Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979
2. The United Nations International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965.

To be amended by the Act of 17 June 2005 No. 62 (in force from 1 January 2006 pursuant to the Decree of 17 June 2005 No. 609).

Section 2. *The organization of the Ombud*

The Equality and Anti-Discrimination Ombud shall be appointed by the King for a term of four years with the possibility of being reappointed for one more term.

The Ombud is an independent public administrative agency administratively subordinate to the King and the Ministry. Neither the King nor the Ministry may give instructions to the Ombud regarding the way in which individual cases are to be dealt with or regarding any other aspects of the Ombud's professional activities. Nor may the King or the Ministry reverse any administrative decisions made by the Ombud pursuant to section 4.

Section 3. *The functions of the Ombud*

The Ombud shall work to promote genuine equality irrespective of gender, ethnicity, national origin, descent, skin colour, language, religion or belief in all areas of society. In the sphere of working life, the Ombud shall also work to promote equal treatment irrespective of political views, membership of an employee organization, sexual orientation, disability or age. The Ombud shall also work to promote equal treatment irrespective of homosexual orientation in the housing sector.

The Ombud shall monitor and contribute to ensuring compliance with the provisions mentioned in section 1, second paragraph.

The Ombud may give an opinion as to whether a matter is in contravention of provisions mentioned in section 1, second paragraph. The Ombud shall seek to secure the parties' voluntary compliance with this opinion. If a voluntary arrangement cannot be reached, the Ombud may bring the case before the Tribunal to be dealt with pursuant to section 6.

The Ombud may take up cases on his or her own initiative or on the basis of an application from other persons. Anyone may bring a case before the Ombud. Cases brought before the

Ombud by a person who is not a party to the case shall only be dealt with by the Ombud if the party whose rights were infringed consents to this. If special considerations warrant doing so, the Ombud may nonetheless deal with such a case, even if consent has not been given.

The Ombud shall dismiss a case summarily if the case has been decided by a court of law or brought before a court of law for decision. The Ombud shall also dismiss a case summarily if the conditions for dealing with the case have not been met. In special cases, the Ombud may drop a case if he or she finds no grounds for dealing with it any further. The decision of the Ombud to dismiss summarily or drop a case may be appealed to the Tribunal.

The Ombud shall provide guidance to the person who brings a case before the Ombud. The duty to provide guidance encompasses all relevant matters related to the case and applies irrespective of whether the Ombud has the authority to give an opinion pursuant to this Act. The Ombud shall not represent the party in external proceedings.

Section 4. *The Ombud's administrative decisions*

If the parties do not voluntarily comply with the opinion of the Ombud, cf. section 3, third paragraph, and it must be assumed that waiting for an administrative decision by the Tribunal will cause inconvenience or have a harmful effect, the Ombud may make such administrative decision as is mentioned in section 7.

The Ombud shall state the grounds for the administrative decision at the time the decision is made. The Tribunal shall be notified of the decision.

The Ombud's administrative decision may be appealed to the Tribunal.

Section 5. *The organization of the Tribunal*

The Equality and Anti-Discrimination Tribunal shall consist of a chairperson, a deputy chairperson and six other members. There shall also be four deputy members. The Tribunal shall be divided into two divisions. The chairperson and the deputy chairperson shall participate in both divisions.

The members and deputy members shall be appointed by the King for a term of four years. Reappointment for one more such term is possible. The chairperson and deputy chairperson shall fulfil the requirements prescribed for judges. When the members and deputy members are appointed for the first time, half of them shall be appointed for a term of two years.

The Tribunal is an independent public administrative agency administratively subordinate to the King and the Ministry. Neither the King nor the Ministry may give instructions regarding or reverse the Tribunal's exercise of authority in individual cases.

Cases shall be prepared by a dedicated secretariat.

Section 6. *The functions of the Tribunal*

The Tribunal shall deal with cases that are brought before it pursuant to sections 3 and 4. If the Ombud decides not to bring a case before the Tribunal pursuant to section 3, third paragraph, the case may be brought by a party to the case or by a person who has brought the case before the Ombud without being a party. Cases brought before the Tribunal pursuant to the second sentence shall only be dealt with by the Tribunal if the party whose rights were infringed consents to this.

The Tribunal may require the Ombud to bring specific cases that have been dealt with by the Ombud before the Tribunal.

The Tribunal shall summarily dismiss a case if the case has been decided by a court of law or brought before a court of law for decision. The Tribunal shall also summarily dismiss a case if the conditions for dealing with the case have not be fulfilled. In special cases, the Tribunal may drop a case if it finds no grounds for dealing with it any further.

Section 7. *The authority of the Tribunal to make administrative decisions. Orders to stop, remedy, etc.*

The Tribunal may make administrative decisions to the effect that there is a breach of provisions mentioned in section 1, second paragraph, unless otherwise provided. If the Tribunal cannot make an administrative decision pursuant to section 9, it shall give an opinion as to whether the matter brought before the Tribunal is in contravention of the provisions mentioned in section 1, second paragraph.

Subject to the exceptions that follow from sections 9 and 10, the Tribunal may order an act to be stopped or remedied or other measures that are necessary to ensure that discrimination, harassment, instructions or reprisals cease and to prevent their repetition. The Tribunal may set a time limit for compliance with the order.

The Tribunal shall state the grounds for an administrative decision at the time the decision is made.

Section 8. *Coercive fines*

The Tribunal may make an administrative decision to impose a coercive fine to ensure implementation of orders pursuant to section 7, if the time limit for complying with the order is exceeded. The coercive fine begins to run if a new time limit for complying with the order is exceeded, and shall normally run until the order has been complied with. The Tribunal may reduce or waive a fine that has been imposed when special reasons warrant doing so.

The coercive fine shall accrue to the State. An administrative decision to impose a coercive fine constitutes grounds for enforcement.