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Regulations regarding the organisation and activities of the Equality and anti-discrimination ombud and the Equality and anti-discrimination tribunal

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(Laid down by Royal Decree of 16 December 2005. Laid down pursuant to sections 8 and 16 of the Act of 10 June 2005 No. 40 on the Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal. Issued by the Ministry of Children and Family Affairs.)

Part I The Equality and Anti-Discrimination Ombud

Section 1 The mandate of 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 at the interface between gender and other discriminatory grounds.

The Ombud's function of promoting equality and developing expertise entails the following tasks:

a. A proactive role

The Ombud shall play a proactive role in promoting equality and combating discrimination, and shall monitor developments in society with a view to exposing and calling attention to matters that counteract equality and equal treatment.

b. Influencing attitudes and behaviour

The Ombud shall help to raise awareness of equality and equal treatment and actively promote changes in attitudes and behaviour. The Ombud shall play an active part in giving the general public information about status and challenges.

c. Support and guidance

The Ombud shall provide information, support and guidance in efforts to promote equality and counteract discrimination in the public, private and voluntary sectors.

d. Advisory service on ethnic diversity in working life

The Ombud shall provide advice and guidance on ethnic diversity in working life to employers in the public and private sectors. The service shall be provided free of charge and be adapted to the needs of the individual employer. Furthermore, the Ombud shall help to disseminate examples of good practices and to increase knowledge of methods for promoting ethnic diversity in working life.

e. Expertise

The Ombud shall have an overview of and provide knowledge and help to develop expertise on and documentation of equality and equal treatment, as well as monitor the nature and extent of discrimination.

f. 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.

Section 2 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.

Section 3 Application to the Ombud

An application to the Ombud may be made both in writing and orally.

If under the circumstances there is reason to do so, the Ombud may request that the person concerned state in writing that he or she wishes to make a complaint. Otherwise oral complaints shall be put down in writing by the Ombud.

Section 4 Summary dismissal and dropping of cases. Grounds, etc.

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.

Section 5 The opinion of the Ombud

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.

Section 6 Notification of the Ombud's administrative decision in urgent cases

The parties to the case shall be notified of administrative decisions made by the Ombud pursuant to section 4 of the Anti-Discrimination Ombud Act.

The Ombud may decide that the decision is to be served pursuant to the provisions of Chapter 9 of the Courts of Justice Act insofar as they are appropriate.

When giving notification of the administrative decision, the Ombud shall explain that the administrative decision may be appealed to the Tribunal and state the time-limit for such appeal.

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.

Section 7 The Ombud's implementation of the decisions of the Tribunal

The Ombud shall:

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

Part II The Equality and Anti-Discrimination Tribunal

Section 8 Appointment of the Tribunal's members and deputy members, etc.

The King will appoint the members, including the chairperson and the deputy chairperson, and deputy members of the Tribunal pursuant to the provisions of section 5 of the Anti-Discrimination Ombud Act.

The Tribunal shall be divided into two divisions. Each division shall be composed of members with competence to deal with matters in all areas of the Tribunal's sphere of activity. When the term tribunal is used in the following provisions of these Regulations, it means a division of the Tribunal unless it is otherwise stated.

The deputy members shall serve by turns and are not connected to a specific division.

The Ministry shall determine the remuneration of the members of the Tribunal.

Section 9 The Tribunal's secretariat

The Ministry shall appoint the staff of the secretariat.

The secretariat shall make arrangements for meetings of the Tribunal and prepare the cases that are to be dealt with by the Tribunal, notify the persons concerned of the administrative decisions and opinions of the Tribunal and, when there is reason to do so, ensure that the Tribunal's decisions are complied with, and shall monitor that the time-limit for compliance with orders to remedy a matter or stop an act is observed, and carry out any other tasks assigned to it by the Tribunal and the Tribunal's chairperson.

The secretariat shall collect coercive fines imposed pursuant to section 8 of the Anti-Discrimination Ombud Act.

Section 10 Delegation of authority

The Tribunal may make an administrative decision to the effect that the chairperson of the Tribunal shall be able to decide specific procedural questions outside of meetings. Authority pursuant to sections 6, 7 and 8 of the Anti-Discrimination Ombud Act may not be delegated.

Section 11. Preparation of cases

The Tribunal's chairperson shall be responsible for distributing cases between the divisions of the Tribunal.