

## REPORT

for the period ending 31 May 2023, in accordance with article 22 of the Constitution of the International Labour Organisation, from the Government of Norway, on the measures taken to give effect to the provisions of the

### **Equal Remuneration Convention, 1951**

ratification of which was registered on 24 September 1959.

#### **a. any new legislative or other measures affecting the application of the Convention;**

Reference is made to previous reports.

To the Government's knowledge there has been no recent court decision relating to equal pay for work of equal value.

We would also like to point out some changes and some new measures:

#### **Strategy for equality between women and men**

For the first time from a Norwegian government, a strategy for equality between women and men will be presented.

The strategy will have six main objectives: economic independence and gender equal employment. Fewer gender-segregated educational choices. A society without violence, sexual harassment and online harassment. Freedom from negative social control and honour-related violence. Better women's health. Men's gender equality challenges (in the sense of better gender equality for men).

For each main goal, several sub-goals related to the major challenges in the field must be prepared, we will have clear measures related to each of the sub-goals. Indicators for goal attainment shall be prepared.

The strategy is scheduled to be launched on March 8, 2024. It will have a duration from 2024 to 2027.

#### **The Men's Equality Commission (Mannsutvalget)**

The Men's Equality Commission (Mannsutvalget) is a government appointed commission mandated to examine gender equality challenges faced by boys and men in Norway.

The commission was appointed by royal decree in August 2022 and will publish its final report in March 2024.

The commission will examine gender equality challenges across a wide range of policy areas, including education and employment, family life, health, civic life, and social inclusion.

In its final report, the commission will provide a comprehensive review of the gender equality challenges faced by boys and men at different stages of life. The commission will review existing policies and suggest new efforts and initiatives.

### **CORE – Centre for Research on Gender Equality**

CORE – Centre for Research on Gender Equality conducts research on gender equality, with particular emphasis on gender equality challenges in working life.

COREs research breaks down into four main areas:

- Gender equality and career
- Family and gender equality policy
- Gender-segregated labour market
- The working life of the future

The centre is funded by the Ministry of Culture and Equality and they receive 4,735 mill. NKR in 2023.

The center contributes with high-quality and relevant social science research on gender equality challenges, further develop methods and models for knowledge and network building and research dissemination, with the ambition of promoting research on gender equality in Norway. CORE Norwegian Gender Balance Scorecard is conducted every second year, the latest version was published in 2022.

### **CORE Norwegian Gender Balance Scorecard**

The Norwegian Gender Balance Scorecard is the government's most important tool for monitoring the gender balance of the executive committees and boards of the largest companies in Norway.

From 2016, on the behalf of the government, CORE maps and follows the development of gender balance in the 200 largest companies in the business sector through the CORE Norwegian Gender Balance Scorecard.

The Scorecard also examines the proportion of men and women in executive positions in different industries, and traces the development over time. And it also compares the percentages of women in companies subject to gender quota legislation for boards and companies without such regulations.

A new Scorecard was released in 2022.

### **Measures to counteract gender-segregated educational choices**

Girls and technology was founded in 2003 and upscaled to a national project in 2016. The Confederation of Norwegian Enterprise (NHO) is responsible for carrying out the measure, with funding from the Ministry of Culture and Equality. The measure continues in 2023 (3,6 NOK million).

- The goal of Girls and technology is to increase the share of women in technology studies at all levels of the educational ladder, including recruiting women to STEM fields within higher education and in technology-based vocational studies.

A pilot project has been launched with the goal of recruiting more boys and men as applicants to health education.

- University of Tromsø is responsible for carrying out the measure, with funding from the Ministry of Culture and Equality (2 NOK million in 2022).
- The pilot project consists of a number of different activities that will help more boys and men choose health education. Role models who meet pupils in lower secondary school are an important part of the project.

- b. replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organisations of employers and workers and on any observations received from these organisations;***

Reference is made to previous reports.

This report has been communicated to the members of the Norwegian Tripartite ILO Committee, including the most representative organisation of employers, The Confederation of Norwegian Enterprise (NHO), and workers, The Norwegian Confederation of Trade Unions (LO). We have not received any comments.

- c. replies to comments by supervisory bodies: the report must contain replies to any comments regarding the application of the Convention in your country which may have been addressed to your Government by the Committee of Experts or by the Conference Committee on the Application of Conventions and Recommendations.***

*The Committee asks the Government to provide information on the measures taken or envisaged to reduce the gender pay gap, and to continue to provide statistical information on the evolution of the gender pay gap in the public and private sectors.*

Reply: An important goal for the government is to reduce inequality and reduce income inequality in Norway.

At the end of 2022, women's wages were 87.6 per cent of men's wages. This is a decrease from 87.9 per cent the previous year.

- Part of the reason for the lower wage growth for women is that there was generally a low wage growth in the municipal sector. Many women work there.
- An additional factor may be that due to last year's teachers' strike, many of those working in education have not yet received a pay increase for 2022. This will not be paid until 2023.
- Disregarding municipal administration, women had higher wage growth than men in both state administration and the private sector. In sum, the wage gap nevertheless increased.
- The gender-segregated labour market is an important explanation for the lack of gender equality in working life. Women and men work in different parts of the market, in different professions, industries and sectors.
- But: This is not the whole picture. A new and comprehensive study shows that women in Norway have on average 8.6 percent lower annual wages than men – even though they are hired to do the same job. Unequal pay for equal work constitutes a significant part of the gender pay gap.

All public employers and large private employers have a duty to map wage differences by gender (and the use of involuntary part-time work). This survey will take place every two years, and should be carried out for the first time in the annual report for 2021.

- The wage survey is a key to more gender equality in working life because it provides knowledge about the pay conditions in the individual workplace.

- It gives employers a basis for assessing whether there are wage differences between women and men in their company, and for implementing measures. Employees are given the opportunity to compare their own salary with the average for their own position group. This makes pay conditions more transparent and can create more fairness.

However, there is no tool or system for obtaining an overview of data from the various enterprises' wage surveys to enable the authorities to assess national status. This applies both to how many enterprises comply with the statutory duty and to the results of the wage mapping.

CORE – Centre for Research on Gender Equality has therefore been commissioned to investigate whether wage mapping has been carried out in various enterprises, measures and results and investigate the possibilities for developing a tool or system that allows data on wage mapping to be collected in a database to obtain an overview of national status.

- The project will thus provide a national status both on how many enterprises comply with the duty imposed on them and the results of the wage survey.

Together with the social partners, the Government will initiate a project on wage differences between women and men and their causes.

*The Committee asks the Government to provide information on (i) the measured impact of the new legislation and its implementation in practice, including the types of measures taken when employers report pay inequalities in the workplace, as well as specific policies and programmes developed to explicitly tackle the gender pay gap and promote equal pay for work of equal value;*

Reply: The new requirement to map pay conditions by gender in the Equality and Anti-Discrimination Act of 2020 is described in more detail than was the case previously. The salary survey shall also include all remuneration and benefits provided by the employer. The employer must carry out the salary survey every two years, so as of 2023 this survey has only been carried out once. That is too little time to measure the effect of the provision.

The Equality and Anti-Discrimination Ombud is tasked with providing guidance on and following up the duty to map wages. When the Ombud reviews selected equality reports, they often provide feedback to the employer about what information may be missing and what should be corrected if the report is to comply with the law. This also applies to wage mapping.

In their report to the CEDAW committee from 2023, the Ombud writes that they believe that the mapping of wages is a structural measure that can help reduce the equal pay gap. At the same time, they point out that the Ombud has received many inquiries from employers, union representatives and employees. The report states that:

[t]he inquiries concern the practical implementation of the mapping of pay conditions. At present, it can be challenging for employers to understanding exactly what the obligation involves as far as legal requirements are concerned, and how the obligation is to be implemented. This reduces the impact that the obligation could have on reducing the gender-based pay gap.

Based on this, the Ombud recommends that the authorities clarify the requirements employers have for mapping pay ratios by gender. In particular, they highlight a clarification of the concept of "pay conditions" and what the composition of groups defined as performing work of equal value may be.

In order to meet this need for instruction regarding the duty of salary mapping, the Ombud offers regular courses to employers and others.

When employers uncover wage differences in their enterprise, they are required to consider whether the differences may be due to gender. If gender turns out to be the cause of the pay difference, the employer is required to correct the difference.

*The Committee asks the Government to provide information on (ii) any measures taken or envisaged to amend the legislation so that the scope of application of the principle of equal remuneration for work of equal value goes beyond the same establishment or enterprise.*

Reply: Section 34 of the Equality and Anti-Discrimination Act regulates the right to equal pay and states that women and men in the same enterprise shall receive equal pay for the same work or work of equal value. No changes to the law are planned to allow job comparison across businesses, including cases where different businesses are owned by the same physical or legal entity. The Government does not currently plan to allow the provisions on equal pay to apply across enterprises.

For your information, the European Committee on Social Law has concluded that Norway is in breach of Article 20 c of the Social Charter by limiting Norway's equal pay provision to remuneration within the same enterprise (appeal number 135/2016). The committee states, among other things, that job comparison must be possible across enterprises, and refers in particular to cases where different enterprises are owned by one and the same physical or legal entity. The Committee states in paragraphs 140-142:

«140. As regards job comparisons, the Committee notes that in its submissions the Government states that these can only be made within the same company. In particular, the Government argues that the equal pay requirement cannot be based on comparisons between employees in different enterprises, even if the enterprises are operated and owned by the same physical or legal entity. In the public sector, the state and each individual municipality are regarded as single enterprises. The reasons for limiting the comparison to pay within the same enterprise is that pay differences between enterprises are often related to non-discriminatory factors, such as geographic location, size, current market situation and the companies wish to compete on quality of the workforce. According to the Government, comparing jobs and pay across companies could make the assessment of gender pay discrimination complicated and inefficient.

141. In this connection, the Committee notes that it has previously considered that the situation in Norway was not in conformity with the Charter as the possibility of job comparisons was limited to the same company (Conclusions 2014, Norway, Article 4 § 3).

142. The Committee considers that domestic law should not unduly restrict the scope of job comparisons. These comparisons should at least be possible across companies, where they form part of a group of companies owned by the same person or controlled by a holding or a conglomerate. Since in Norway job comparisons are limited to the same company, the obligation to enable such comparisons has not been satisfied.»

However, the Committee's opinion is not legally binding on Norway.

Furthermore The European Commission has just adopted a Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay between women and men for equal work of equal value through transparency on pay and enforcement mechanisms.

Norway is part of the EEA agreement, and we are therefore bound by mandatory regulations proposed by the EU. In the directive the scope of application of the principle of equal remuneration for work of equal value does not go beyond the same establishment or enterprise.

Nevertheless, in this context we would like to point out that the active equality duties in The Norwegian Equality and Anti-Discrimination Act were strengthened in 2020. First of all this implies that all employers in public enterprises, and employers in private enterprises with more than 50 employees, have a statutory duty to carry out wage surveys within the enterprise every other year. Furthermore all employers in public enterprises, and employers in private enterprises with more than 50 employees, are obliged to map wage differences by gender within their own enterprise every other year. This also applies to employers in private enterprises with between 20 and 50 employees, if one of the social partners in enterprises so requires. If the survey shows wage differences between the sexes in the company, the employer must assess whether this is due to discrimination, and must also implement measures to prevent discrimination in remuneration, and must also evaluate the results of the measures. Employers who are required to carry out such a wage survey are obliged to publish the results of the wage survey in their gender equality report.

In addition to this the company's employees and the Equality and Anti-Discrimination Ombud are also entitled to access the company's documentation on gender equality work

*The Committee asks the Government, once again, to provide information on any specific measures taken by the social partners and through tripartite cooperation, to address pay inequalities and achieve equal pay between men and women in both the public and private sectors; as well as on any activities undertaken to raise awareness of the principle of equal remuneration for work of equal value among social partners and the general public.*

Reply: We have a clear division of roles in income policy in Norway. The social partners are responsible for carrying out the annual wage adjustments, while the authorities are responsible for making laws and rules that facilitate a well-functioning labour market. The Technical Calculation Committee for the income settlements (TBU) is a central meeting place for cooperation between the authorities and the social partners, but not the onliest. The cooperation is important for building a common understanding of the economic situation and challenges ahead. Among others, the Committee reports on pay differences between women and men in different sectors and tariff areas on an annual basis. According to Norwegian law, every employer is obliged to work for equal pay. There are a lot of different collective agreements in the working life. How the commitment on equal pay is implemented in the social partners work and agreements may differ.

*The Committee requests the Government to provide information on any measures taken or envisaged to introduce objective job evaluation measures. Please also provide information on any action taken to address pay differentials between female- and male-dominated occupations so as to determine whether the work is of equal value, based on objective criteria free from gender bias*

Reply: The project, together with the social partners, on wage differences between women and men and the reasons for these, aims to obtain new knowledge about wage differences between women and men in Norway. This knowledge is intended to give employee and employer organizations and the

authorities more insight into the state and development of wage differences between women and men who perform equal work and work of equal value.

The contractor shall provide an overview and analyze the current wage differences between men and women at the national level, and the reasons for these. In this work, contractors shall also consider opportunities for national indicators that can highlight wage differences between women and men who perform work of equal value.

*The Committee asks the Government to provide information on the measures taken or envisaged to raise awareness on the available means of redress.*

Reply: Both Anti-Discrimination Tribunal and The Equality and Anti-Discrimination Ombud have information on their websites about the possibility of obtaining redress. However, this is only considered if the complainant has made a claim for it. Anyone who seeks information about how to file a complaint with the Anti-Discrimination Tribunal will thus receive information about this.

- <https://www.diskrimineringsnemnda.no/for-klager>
- <https://www.ldo.no/diskriminert/pa-jobb/klage-pa-diskriminering/>

*The Committee asks the Government to provide information on the number and outcome of equal pay cases addressed by the Equality and Anti-Discrimination Ombud and the Anti-Discrimination Tribunal.*

Reply: To our knowledge there has been no recent court decision relating to equal pay for work of equal value.

The Equality and Anti-Discrimination Ombud no longer has the authority to enforce cases of discrimination, but during the period they have received requests for guidance in matters concerning gender, pay and working life:

- 2019 - 37 enquiries
- 2020 - 34 enquiries
- 2021 - 27 enquiries

In the following, we will provide an overview of the number and outcome of cases decided by the Tribunal. The discussion of cases is limited to those cases where a conclusion has been reached that there has been a breach of the anti-discrimination rules, as well as other cases of particular importance.

#### Cases relating to equal pay

The Tribunal has decided a total of 26 cases regarding equal pay pursuant to section 34 cf. section 6 of the Equality and Anti-Discrimination Act, during the above-mentioned reporting period. These 26 cases had the following outcomes:

- *10 cases were closed without a decision being made:*
  - 6 cases were closed without a decision being made, due to the complainant not following up on the case.
  - 4 cases were closed without a decision being made, due to the complainant withdrawing their complaint.

- *7 cases were dismissed or closed by a Tribunal chairperson pursuant to section 10 of the Equality and Anti-Discrimination Ombud Act:*
  - 1 case was dismissed ([case 20/138](#)), because the matter was more than three years old.
  - 6 cases were closed pursuant to section 10 paragraph 3 of the Equality and Anti-Discrimination Ombud Act (cases [20/65](#), [21/520](#), [21/557](#), [21/563](#), [22/1474](#), [22/1428](#))
- *9 cases were heard in full by the Tribunal:*
  - In 8 cases the Tribunal's conclusion was non-violation (cases [19/445](#), [20/66](#), [19/316](#), [20/136](#), [21/341](#), [21/196](#), [21/280](#), [21/600](#))
  - In 1 case the Tribunal's conclusion was that the equal pay provision had been violated (case 20/207).

In case [20/207](#) the issue before the Tribunal was whether the complainant, a female prison doctor, had a lower salary than her male colleagues because of her gender. The central question in the case was whether the differential treatment of the female doctor was lawful pursuant to Equality and Anti-Discrimination Act section 9. The municipality in charge of the prison argued that the salary of the male doctors had to be seen in the context of when the agreements had been made and the circumstances surrounding their hiring, i.e., a challenging recruitment situation.

The Tribunal concluded that while a challenging recruitment situation can be an objective purpose pursuant to the Equality and Anti-Discrimination Act section 9 about lawful differential treatment, the municipality had not made probable that this was the situation in the pending case. The Tribunal concluded that the differential treatment of the female prison doctor was not lawful, and that she was discriminated against due to her gender.

The complainant was awarded redress of NOK 20 000 and compensation for economic loss (loss of income) of NOK 265 333. The Tribunal also stated that the municipality (i.e., the defendant in the case), was responsible for adjusting the complainant's salary in accordance with the Tribunal's decision.

At present the Tribunal also has 9 cases regarding equal pay pending.

#### Cases relating to active equality efforts

As described in the government's report from 2019, the Equality and Anti-Discrimination Act section 26 states that all employers shall make active, targeted, and systematic efforts to promote equality and prevent discrimination on the basis of (among others) gender, pregnancy, leave in connection with childbirth or adoption or care responsibilities. The Tribunal does not have a mandate to enforce this provision, cf. section 7 of the Equality and Anti-Discrimination Act.

However, the Tribunal does have a mandate to enforce section 26a of the Equality and Anti-Discrimination Act. This provision gives employers that have obligations pursuant to section 26, a duty to issue a statement on the actual status of gender equality in the undertaking. At present, the Tribunal has not decided on any cases regarding this provision, but has one case pending (case [23/211](#)). In this case the Anti-Discrimination Ombud is the complainant and has brought a case against the Police Directorate for breach of the duty in section 26a.