



LOVDATA

Act relating to equality and a prohibition against discrimination (Equality and Anti-Discrimination Act)

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Abbreviated title	Equality and Anti-Discrimination Act
Original title	Lov om likestilling og forbud mot diskriminering (likestillings- og diskrimineringsloven)

Kapitteloversikt:

Chapter 1. Introductory provisions

Chapter 2. Prohibition against discrimination

Chapter 3. Universal design and individual accommodation

Chapter 4. Active equality efforts

Chapter 5. Special provisions relating to employment relationships

Chapter 6. Enforcement, burden of proof and penalties

Chapter 7. Final provisions

Amendment acts incorporated in this text: Acts 19 December 2017 No. 115 (in force 1 January 2018), 21 June 2019 No. 57 as amended by Act 20 December 2019 No. 110 (in force 1 January 2020), 11 June 2021 No. 77 (in force 1 January 2022).

This is an unofficial translation of the Norwegian version of the Act and is provided for information purposes only. Legal authenticity remains with the Norwegian version as published in Norsk Lovtidend. In the event of any inconsistency, the Norwegian version shall prevail.

The translation is provided by the the Ministry of Culture and Equality.

Chapter 1. Introductory provisions

Section 1. *Purpose*

The purpose of this Act is to promote equality and prevent discrimination on the basis of gender, pregnancy, leave in connection with childbirth or adoption, care responsibilities, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression, age or other significant characteristics of a person.

«Equality» means equal status, equal opportunities and equal rights. Equality presupposes accessibility and accommodation.

This Act has the particular objective of improving the position of women and minorities. This Act shall help to dismantle disabling barriers created by society and prevent new ones from being created.

Section 2. *Factual scope*

This Act shall apply in all sectors of society.

This Act shall not apply to discrimination on the basis of age in circumstances regulated by chapter 13 of the Working Environment Act or chapter 10 of the Ship Labour Act.

The Ministry may issue regulations on the application of this Act to posted workers pursuant to section 1-7(1) of the Working Environment Act.

Section 3. *Geographical scope*

This Act applies throughout the realm, including on Svalbard and Jan Mayen. This Act also applies on fixed and mobile installations in operation on the Norwegian continental shelf, and aboard Norwegian ships and Norwegian aircraft irrespective of their location.

However, chapter 3 on universal design and individual accommodation, and sections 24, 25 and 26 on active equality efforts related to disability, shall not apply on Svalbard and Jan Mayen, on installations in operation on the Norwegian continental shelf, or aboard Norwegian ships engaged in foreign trade or Norwegian aircraft. The King may issue regulations on the application of the said provisions in these areas.

Section 4. *Invariability*

The provisions of this Act, and regulations issued pursuant to this Act, may not be varied by agreement.

Section 5. *UN Convention on the Elimination of All Forms of Racial Discrimination*

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. *Prohibition against discrimination*

Discrimination on the basis of gender, pregnancy, leave in connection with childbirth or adoption, care responsibilities, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression, age or combinations of these factors is prohibited. «Ethnicity» includes national origin, descent, skin colour and language.

The prohibition includes discrimination on the basis of actual, assumed, former or future factors specified in the first paragraph.

The prohibition also applies if a person is discriminated against on the basis of his or her connection with another person, when such discrimination is based on factors specified in the first paragraph.

«Discrimination» means direct or indirect differential treatment pursuant to sections 7 and 8 that is not lawful pursuant to sections 9, 10 or 11.

Section 7. *Direct differential treatment*

«Direct differential treatment» means treatment of a person that is worse than the treatment that is, has been or would have been afforded to other persons in a corresponding situation, on the basis of factors specified in section 6, first paragraph.

Section 8. *Indirect differential treatment*

«Indirect differential treatment» means any apparently neutral provision, condition, practice, act or omission that results in persons being put in a worse position than others on the basis of factors specified in section 6, first paragraph.

Section 9. *Lawful differential treatment*

Differential treatment does not breach the prohibition in section 6 if it:

- a. has an objective purpose,
- b. is necessary to achieve the purpose, and
- c. does not have a disproportionate negative impact on the person or persons subject to the differential treatment.

In employment relationships and in connection with the selection and treatment of self-employed persons and hired workers, direct differential treatment on the basis of gender, ethnicity, religion, belief, disability, sexual orientation, gender identity or gender expression is only permitted if the characteristic in question is of decisive significance for the performance of the work or the pursuit of the occupation and the conditions in the first paragraph are met.

Age limits specified in laws or regulations, and favourable pricing based on age, do not breach the prohibition in section 6.

Section 10. *Lawful differential treatment on the basis of pregnancy, childbirth or breastfeeding and leave in connection with childbirth or adoption*

Differential treatment on the basis of

- a. pregnancy, childbirth or breastfeeding, including leave pursuant to sections 12-1, 12-2, 12-3(1), first sentence, 12-4 or 12-8 of the Working Environment Act, or
- b. leave reserved for each of the parents; see section 14-12, first paragraph, of the National Insurance Act is only permitted if the differential treatment is necessary to protect the woman, the foetus or the child in connection with pregnancy, childbirth or breastfeeding, or if other obvious grounds apply. The differential treatment may not have a disproportionate negative impact on the person subject to the differential treatment.

Section 9, first paragraph, applies to differential treatment on the basis of leave in connection with childbirth or adoption during periods not covered by the first paragraph.

Differential treatment on the basis of pregnancy, childbirth, breastfeeding or leave in connection with childbirth or adoption is never permitted in connection with recruitment and dismissal. This also applies in connection with extension of a temporary position.

Section 11. *Permitted positive differential treatment*

Positive differential treatment on the basis of factors specified in section 6, first paragraph, is permitted 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 or persons whose position will worsen is reasonably proportionate in view of the intended purpose, and
- c. the differential treatment will cease when its purpose has been achieved.

Section 12. *Breach of the duty to ensure universal design or individual accommodation*

Breach of sections 17 or 18 on universal design or sections 20, 21, 22 or 23 on individual accommodation shall be deemed to constitute discrimination.

Discrimination due to a lack of physical accommodation shall be fully regulated by sections 17 to 23 in respect of the legal persons and areas to which those provisions apply.

Section 13. *Prohibition against harassment*

Harassment on the basis of factors specified in section 6, first paragraph, and sexual harassment, are prohibited.

«Harassment» means acts, omissions or statements that have the purpose or effect of being offensive, frightening, hostile, degrading or humiliating.

«Sexual harassment» means any form of unwanted sexual attention that has the purpose or effect of being offensive, frightening, hostile, degrading, humiliating or troublesome.

The prohibition covers harassment on the basis of actual, assumed, former or future factors specified in section 6, first paragraph.

The prohibition also applies if a person is harassed on the basis of his or her connection with another person, when such harassment is based on factors specified in section 6, first paragraph.

Employers and managers of organisations and educational institutions shall preclude and seek to prevent harassment and sexual harassment in their area of responsibility.

Section 14. *Prohibition against retaliation*

It is 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, unless the person in question has acted with gross negligence.

The prohibition in the first paragraph applies correspondingly to witnesses in a complaint case, and to persons who provide assistance in a complaint case.

It is prohibited to retaliate against anyone who has failed to follow an instruction that breaches section 15.

Section 15. *Prohibition against instructing a person to discriminate, harass or retaliate*

It is prohibited to instruct any person to discriminate in breach of section 6, harass in breach of section 13 or retaliate in breach of section 14.

Section 16. *Prohibition against participating in discrimination, harassment, retaliation or the issuing of instructions*

It is prohibited to participate in discrimination in breach of section 6, harassment in breach of section 13, retaliation in breach of section 14 or the issuing of instructions in breach of section 15.

Chapter 3. Universal design and individual accommodation

Section 17. *Universal design*

Public undertakings and private undertakings focused on the general public have a duty to ensure that their general functions have a universal design.

«Universal design» means designing or accommodating the main solution with respect to the physical conditions, such that the general functions of the undertaking can be used by as many people as possible, regardless of disability.

The duty does not apply to design or accommodation that imposes a disproportionate burden on the undertaking. In the assessment, particular weight shall be given to

- a. the effect of dismantling barriers for persons with disabilities
- b. whether the general functions of the undertaking are of a public nature
- c. the costs associated with accommodation
- d. the undertaking's resources
- e. safety considerations
- f. cultural heritage considerations.

The duty pursuant to the first paragraph is deemed to be met if the undertaking fulfils universal design requirements in laws or regulations.

The King may issue regulations on the content of the duty to ensure universal design in areas that are not covered by requirements in other laws or regulations.

Section 18. Universal design of ICT

Public undertakings and private undertakings have a duty to ensure that main solutions for information and communications technology (ICT) focused on or made available to users have a universal design, such that the general functions of the undertaking can be used by as many people as possible, regardless of disability. The ICT solutions shall be universally designed as of the date specified in section 41.

«ICT» means technology and technology systems that are used to express, create, convert, exchange, store, duplicate or publish information, or that otherwise make information usable.

The duty pursuant to the first paragraph does not apply if it imposes a disproportionate burden on the undertaking. In the assessment, particular weight shall be given to

- a. the effect of dismantling barriers for persons with disabilities
- b. the nature of the undertaking
- c. the costs associated with accommodation
- d. the undertaking's size and resources.

The duty pursuant to the first paragraph is deemed to be met if the undertaking fulfils universal design requirements in other laws or regulations.

The King may issue regulations containing further provisions on the delimitation of the scope and content of the duty to ensure universal design of ICT solutions.

Section 19. Activity duty relating to the promotion of universal design

Public undertakings shall make active, targeted efforts to promote universal design in their operations. The same applies to private undertakings focused on the general public.

Section 19 a. Activity duty and duty to issue a statement relating to universal design of ICT

Public and private undertakings shall make active, targeted efforts to promote universal design of ICT in their operations.

Public undertakings shall issue a statement on their work related to universal design of ICT.

The King may issue regulations containing detailed provisions on the content of the duty to issue a statement and compliance with the duty.

Section 20. Right to individual accommodation in respect of municipal services

Children with disabilities have a right to suitable individual accommodation in respect of municipal day care facilities, to ensure equal development and activity opportunities.

Persons with disabilities have a right to suitable accommodation in respect of individual long-term municipal care services provided pursuant to the Health and Care Services Act, to ensure that they receive equal services.

The rights pursuant to the first and second paragraphs apply to accommodation that does not impose a disproportionate burden. In this assessment, particular weight shall be given to

- a. the effect of accommodation in terms of dismantling barriers for persons with disabilities
- b. the costs associated with accommodation
- c. the resources of the undertaking.

Section 21. *Right to individual accommodation of pupils and students*

Pupils and students with disabilities who attend a school or educational institution have a right to suitable individual accommodation in respect of the place of learning, teaching, teaching aids and examinations, to ensure equal training and education opportunities.

The right applies to accommodation that does not impose a disproportionate burden. In the assessment, particular weight shall be given to

- a. the effect of accommodation in terms of dismantling barriers for persons with disabilities
- b. the costs associated with accommodation
- c. the resources of the undertaking.

Section 22. *Right to individual accommodation of job seekers and workers*

Workers and job seekers with disabilities have a right to suitable individual accommodation in respect of recruitment processes, workplaces and work tasks, to ensure that they have the same opportunities as other persons to secure or sustain employment, benefit from training and other skills development measures, and carry out and have the opportunity to progress in their work.

The right applies to accommodation that does not impose a disproportionate burden. In the assessment, particular weight shall be given to

- a. the effect of accommodation in terms of dismantling barriers for persons with disabilities
- b. the costs associated with accommodation
- c. the resources of the undertaking.

Section 23. *Right to individual accommodation of pregnant job seekers, workers, pupils and students*

Pregnant pupils and students have a right to suitable individual accommodation in respect of the place of learning, teaching and examinations. Pregnant workers and job seekers have a right to suitable individual accommodation in respect of recruitment processes, workplaces and work tasks.

The right applies to accommodation that does not impose a disproportionate burden. In the assessment, particular weight shall be given to

- a. the effect of accommodation in terms of dismantling barriers to women's participation in education and work
- b. the costs associated with accommodation
- c. the resources of the undertaking.

Chapter 4. Active equality efforts

Section 24. *Activity duty of public authorities and duty to issue a statement*

Public authorities shall in all their activities make active, targeted and systematic efforts to promote equality and prevent discrimination as specified in section 6. This duty shall include an obligation for public authorities to preclude harassment, sexual harassment and gender-based violence, and to counter stereotyping.

Public authorities shall issue a statement on what they are doing to integrate considerations relating to gender and non-discrimination into their work. Public authorities shall describe what they are doing to convert equality and non-discrimination principles, procedures and standards into action. Public authorities

shall provide an assessment as to what has been achieved as a result of these efforts, and outline expectations with regards to future efforts in this area. The statement shall be provided in the annual report, another report issued annually or another document available to the general public.

Section 25. Duty of employer and employee organisations to promote equality

Employer and employee organisations shall, in their fields of activity, make active, targeted and systematic efforts to promote equality and prevent discrimination on the basis of gender, pregnancy, leave in connection with childbirth or adoption, care responsibilities, ethnicity, religion, belief, disability, sexual orientation, gender identity and gender expression.

Section 26. Activity duty of employers

All employers shall, in their operations, make active, targeted and systematic efforts to promote equality, prevent discrimination on the basis of gender, pregnancy, leave in connection with childbirth or adoption, care responsibilities, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression or combinations of these grounds, and shall seek to prevent harassment, sexual harassment and gender-based violence. Such efforts shall encompass the areas of recruitment, pay and working conditions, promotion, development opportunities, accommodation and the opportunity to combine work with family life.

All public undertakings, regardless of size, and private undertakings that ordinarily employ more than 50 persons shall, in the context of their operations

- a. investigate whether there is a risk of discrimination or other barriers to equality, including by reviewing pay conditions by reference to gender and the use of involuntary part-time work every two years,
- b. analyse the causes of identified risks,
- c. implement measures suited to counteract discrimination and promote greater equality and diversity in the undertaking, and
- d. evaluate the results of efforts made pursuant to a) to c).

The same shall apply to private undertakings that ordinarily employ between 20 and 50 persons if requested by the employees or employee representatives.

«Involuntary part-time work» shall mean part-time work where the person holding the position wishes and is available to work more.

Efforts as specified in this provision shall be documented. Efforts as specified in the second paragraph of the provision shall be made on an ongoing basis and in cooperation with employee representatives.

The King may issue regulations containing supplementary provisions on the content and conduct of the pay review.

Section 26 a. Duty of employers to issue a statement

Employers with obligations pursuant to section 26, second paragraph, shall issue a statement on the actual status of gender equality in the undertaking and what the undertaking is doing to comply with the activity duty pursuant to section 26.

The statement pursuant to the first paragraph shall be issued in the annual report or another document available to the general public. If the statement is issued in another document available to the general public and the undertaking has a duty to issue an annual report, the annual report shall specify where the document can be found in a form available to the general public. Public undertakings which are not subject to a duty to prepare an annual report shall include the statement pursuant to the first paragraph in another report issued annually or another document available to the general public.

The statement shall be formulated such that no personal circumstances of individual employees are revealed. The results of the pay review shall be included in the statement in anonymised form.

Employees of the undertaking and their representatives, the Anti-Discrimination Tribunal, the Equality and Anti-Discrimination Ombud and researchers shall have a right to disclosure of the results of the pay review, including when the results cannot be anonymised. The information may only be disclosed to the extent necessary to investigate whether unlawful differential treatment is occurring in connection with the setting of pay.

A person who receives pay information pursuant to the fourth paragraph shall be subject to a duty of confidentiality and shall sign a confidentiality declaration. This shall not apply to information which is public pursuant to the Freedom of Information Act.

The King may issue regulations on standardisation of the duty to issue a statement on equality.

Section 26 b. Employer's disclosure duty relating to equality work

Employees of an undertaking and their representatives, the Anti-Discrimination Tribunal, the Equality and Anti-Discrimination Ombud and researchers shall have a right to disclosure of documentation relating to equality work. If the disclosed documentation contains information which can be linked to an individual employee's pay, ethnicity, religion, belief, disability, sexual orientation, gender identity or gender expression, the recipient of the information shall be made subject to a duty of confidentiality and shall sign a confidentiality declaration. This shall not apply to information which is public pursuant to the Freedom of Information Act.

The information may only be disclosed to the extent necessary to investigate whether the employer has complied with its activity duty and duty to provide documentation pursuant to section 26 of the Equality and Anti-Discrimination Act.

Section 26 c. Formal support from company boards

The boards of directors of limited liability companies and public limited liability companies shall ensure that the duty to engage actively in equality work and the duty to issue statements in this regard are met in accordance with sections 26 and 26 a of the Equality and Anti-Discrimination Act and section 3-3 c of the Accounting Act.

Section 27. Content of teaching aids and teaching

Teaching aids and teaching provided by day care facilities, schools and other educational institutions that provide training authorised by law shall reflect the purpose of this Act.

Section 28. Gender balance of official committees, etc.

When a public body appoints or selects a committee, board, council, tribunal, delegation, etc., both genders shall be represented, as follows:

- a. If the committee has two or three members, both genders shall be represented.
- b. If the committee has four or five members, each gender shall be represented by at least two members.
- c. If the committee has six to eight members, each gender shall be represented by at least three members.
- d. If the committee has nine members, each gender shall be represented by at least four members.
- e. If the committee has more members, each gender shall account for at least 40 per cent of the members.

The first paragraph also applies to the appointment and selection of deputy members.

The Ministry may grant exemptions from the gender-balance requirement if it has proven impossible to find a sufficient number of qualified members representing both genders.

The first paragraph does not apply to committees, etc. which pursuant to law shall only have members taken from directly elected assemblies. The selection of committees, etc. by popularly elected municipal or county-authority bodies is governed by the provisions of the Local Government Act.

The King will issue regulations on enforcement and reporting. The King may also issue regulations containing supplementary provisions pursuant to this section.

Chapter 5. Special provisions relating to employment relationships

Section 29. *Prohibition against discrimination in employment relationships, etc.*

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

- a. announcement of a position,
- b. appointment, reassignment and promotion,
- c. training and skills development,
- d. pay and working conditions, and
- e. cessation.

The first paragraph applies correspondingly to employers' selection and treatment of self-employed persons and hired workers.

Section 30. *Prohibition against collection of information during appointment processes*

During an appointment process, including during an interview or otherwise, an employer may not collect information about an applicant's

- a. pregnancy or plans to have or adopt children
- b. religion or beliefs
- c. ethnicity
- d. disability
- e. sexual orientation, gender identity or gender expression.

The collection of information on ethnicity, religion, belief, disability and living arrangements is nevertheless permitted if the information is of decisive significance for the performance of the work or the pursuit of the occupation.

The collection of information on an applicant's living arrangements, religion or beliefs is permitted if the purpose of the undertaking is to promote particular beliefs or religious views and the worker's position will be important for the achievement of the purpose. If such information will be requested, this must be stated in the announcement of the position.

Section 31. *Employer's disclosure duty to job seekers*

Job seekers who consider themselves to have been disregarded in breach of this Act may demand that the employer provide written information about the person who was appointed. The employer shall provide information about education, experience and other clearly measurable qualifications.

Section 32. Employer's disclosure duty relating to pay

A worker who suspects discrimination in the setting of pay may demand that the employer provide written confirmation of the pay level and the criteria for the setting of the pay of the person or persons with whom the worker is making a comparison.

A person who receives information about pay pursuant to this provision is subject to a duty of confidentiality and shall sign a confidentiality declaration. This does not apply to information that is public pursuant to the Freedom of Information Act.

An employer who provides pay information about a worker pursuant to this provision shall simultaneously inform the worker of what information has been provided, and to whom.

Section 33. Workers' rights in connection with parental leave

A worker who is or has been on parental leave pursuant to section 12-5 of the Working Environment Act is entitled to

- a. return to the same, or a corresponding, position,
- b. benefit from improvements in working conditions to which the worker would otherwise have been entitled during the absence, and
- c. make pay claims and, in pay negotiations, be assessed in the same way as the other workers in the undertaking.

The first paragraph does not apply to the setting or amendment of pay and working conditions as a result of circumstances other than parental leave.

This section applies correspondingly in connection with other types of leave linked to pregnancy and childbirth pursuant to sections 12-2 to 12-8 of the Working Environment Act.

Section 34. Equal pay for work of equal value

Women and men in the same undertaking shall receive equal pay for the same work or work of equal value. Pay shall be set in the same way, without regard to gender.

The right pursuant to the first paragraph applies irrespective of whether the work relates to different branches or pay is governed by different wage agreements.

Whether the work is of equal value is determined by means of an overall assessment in which emphasis is given to the expertise that is required to perform the work and other relevant factors, such as effort, responsibility and working conditions.

«Pay» means ordinary remuneration for work plus all other supplements, advantages and other benefits provided by the employer.

Chapter 6. Enforcement, burden of proof and penalties

Section 35. Authority of the Anti-Discrimination Tribunal to enforce this Act

The authority of the Anti-Discrimination Tribunal to enforce this Act follows from the Equality and Anti-Discrimination Ombud Act.

Section 36. Enforcement of the provisions on universal design of ICT

The Norwegian Digitalisation Agency shall supervise compliance with the requirements in section 18 on universal design of ICT, see also section 41, and section 19 a, second paragraph, on the duty to issue a statement.

The Norwegian Digitalisation Agency may order an undertaking that does not comply with the duty to ensure universal design of ICT pursuant to section 18, the duty to issue a statement pursuant to section 19 a, second paragraph, and regulations issued pursuant to section 18, fifth paragraph, and section 19 a, third paragraph, to remedy the matter, and may make an administrative decision imposing a coercive fine to ensure the implementation of the order if the deadline for complying with the order is breached. A party may apply for review of a decision imposing a coercive fine. Sections 28 to 36 of the Public Administration Act apply correspondingly.

The Norwegian Digitalisation Agency may demand the information it requires to perform its tasks pursuant to this Act, and demand access to ICT solutions specified in section 18. The same applies to the appeals body in the event of an appeal against an administrative decision made pursuant to the second paragraph.

Legal proceedings concerning the validity of an administrative decision made by the Norwegian Digitalisation Agency or by the appeals body must be instituted within three months of receipt of notice of the administrative decision. The administrative decision may not be brought before the courts unless the right of appeal has been exercised and a final decision has been made on the appeal. However, proceedings may in any event be brought once six months have passed since initial submission of the complaint and the absence of a decision by the appeals body is not due to omissions on the part of the complainant.

The Ministry may issue regulations containing further provisions on the conduct of supervisory activities, assessment of coercive fines and on implementation of an administrative decision to impose a coercive fine.

Section 36 a. Duty of the supervisory body to implement controls and submit reports

The Norwegian Digitalisation Agency shall conduct regular evaluations of whether the websites and mobile applications of public bodies are compliant with applicable universal design requirements.

The Ministry may issue regulations on the conduct of controls and reporting to ESA.

Section 37. Burden of proof

Discrimination shall be assumed to have occurred if circumstances apply that provide grounds for believing that discrimination has occurred and the person responsible fails to substantiate that discrimination did not in fact occur.

This applies in the case of alleged breaches of

- a. the provisions of chapter 2, with the exception of section 13, sixth paragraph,
- b. the provisions on universal design in sections 17 and 18,
- c. the provisions on individual accommodation in sections 20 to 23, and
- d. sections 29, 30, 33 and 34.

Section 38. Compensation and damages

A person who is the subject of treatment in breach of:

- a. the provisions of chapter 2, with the exception of section 13, sixth paragraph

- b. the provisions on individual accommodation in sections 20 to 23
 - c. sections 29, 30, 33 and 34
- may claim compensation and damages.

In employment relationships and in connection with an employer's selection and treatment of self-employed persons and hired workers, employer's liability exists irrespective of whether the employer can be blamed. In cases concerning harassment and sexual harassment, and in sectors of society other than those specified in the first sentence, liability shall exist if the person responsible can be blamed.

Damages shall cover economic losses resulting from the unlawful treatment. Compensation for non-economic loss shall be set in an amount that is reasonable in view of the nature and scope of the harm, the relationship between the parties and the circumstances otherwise.

Section 39. Penalties for aggravated contravention of prohibitions against discrimination by several persons acting together

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who jointly with at least two other persons commits an aggravated breach of the prohibition against

- a. discrimination on the basis of ethnicity, religion or belief in section 6,
- b. harassment on the basis of ethnicity, religion or belief in section 13,
- c. retaliation on the basis of ethnicity, religion or belief in section 14, or
- d. instructing a person to discriminate on the basis of ethnicity, religion or belief in section 15.

Any person who has previously been penalised for breach of this provision may be penalised even if the breach is not aggravated.

When assessing whether a breach is aggravated, particular weight shall be given to the degree of culpability, whether the breach was racially motivated, whether it constitutes harassment, whether it involved physical assault or serious violation of another person's mental integrity, whether it is likely to cause fear and whether it was committed against a person under the age of 18.

Before an indictment is issued in respect of a matter specified in the first paragraph, consideration shall be given to whether a civil penalty would be sufficient.

The provisions on the burden of proof in section 37, first paragraph, do not apply in connection with enforcement of this provision.

Section 40. Right of organisations to act as authorised representatives

In cases processed by the Equality and Anti-Discrimination Ombud and the Anti-Discrimination Tribunal, an organisation that has anti-discrimination work as its sole or partial purpose may be used as an authorised representative.

In cases before the courts, a person appointed by and associated with an organisation that has anti-discrimination work as its sole or partial purpose may be used as counsel. This does not apply before the Supreme Court.

The court may refuse to accept an appointment as counsel if the court finds there to be a risk that counsel may be insufficiently qualified to safeguard the party's interests satisfactorily.

In addition to the authorisation specified in section 3-4 of the Dispute Act, counsel shall at the same time submit written information from the organisation regarding counsel's qualifications.

Chapter 7. Final provisions

Section 41. *Transitional provisions*

The duty pursuant to section 18, first paragraph, and the duty to issue a statement pursuant to section 19 a take effect 12 months after the entry into force of regulations concerning the content of the duty pursuant to section 18, fifth paragraph, or 12 months after the regulations are made applicable to new parties, unless shorter deadlines are specified in the regulations. Existing ICT solutions shall be universally designed as of 1 January 2021.

The Norwegian Digitalisation Agency may grant exemptions from these deadlines if compliance with them would be disproportionately burdensome.

Section 42. *Entry into force*

This Act applies as of the date determined by the King.¹ As of the same date, the Act of 21 June 2013 No. 58 relating to a prohibition against discrimination on the basis of sexual orientation, gender identity and gender expression, the Act of 21 June 2013 No. 59 relating to gender equality, the Act of 21 June 2013 No. 60 relating to a prohibition against discrimination on the basis of ethnicity, religion and belief and the Act of 21 June 2013 No. 61 relating to a prohibition against discrimination on the basis of disability shall be repealed.

¹ 1 January 2018 according to Resolution of 16 June 2017 No. 751.

Section 43. *Continuation of regulations*

Regulations issued pursuant to the Act of 9 June 1978 No. 45 relating to gender equality or pursuant to the Act of 20 June 2008 No. 42 relating to a prohibition against discrimination on the basis of disability continue to apply after this Act has entered into force.

Section 44. *Changes to other acts*

As of the date this Act enters into force, the following changes shall be made to other acts: – – –