

Combating pregnancy related discrimination in Norway – campaign and survey



Cathrine Sørli and Knut Oftung, 1st July 2015

Today's topics

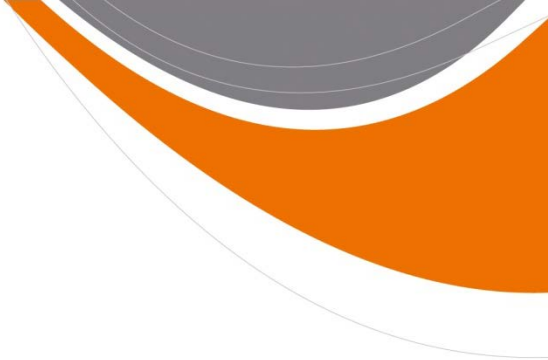
- Why a campaign against pregnancy related discrimination?
 - The Norwegian paradox
- The Gender Equality Act
- Campaign
 - Strategy
 - Elements
 - Survey
- Recommendations for action
- Discussion

The Norwegian paradox

- Today everything is set for gender equality regarding work-life balance
- Still we have great differences between men and women regarding time use, equal pay and sector segregation in the labour market.

A political will to facilitate the work-life balance

- High labor force participation among women
- Family politics in working life (part time, breaks for breastfeeding, parental leave, leave due to sick children)
- High proportion of women in higher education
- Available day care
- From bread winning fathers to participating fathers
- Strengthening of The Gender Equality Act
- High proportion of women in higher education

- 
- In spite of all this - the Ombud's office receives many complaints about pregnancy related discrimination in working life



Some historic explanations of the paradox



Norwegian classroom, 1969



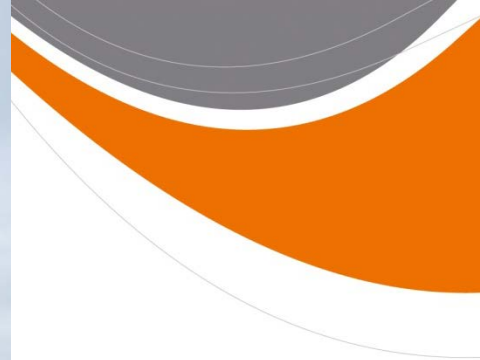


Housewife society



The breadwinning father





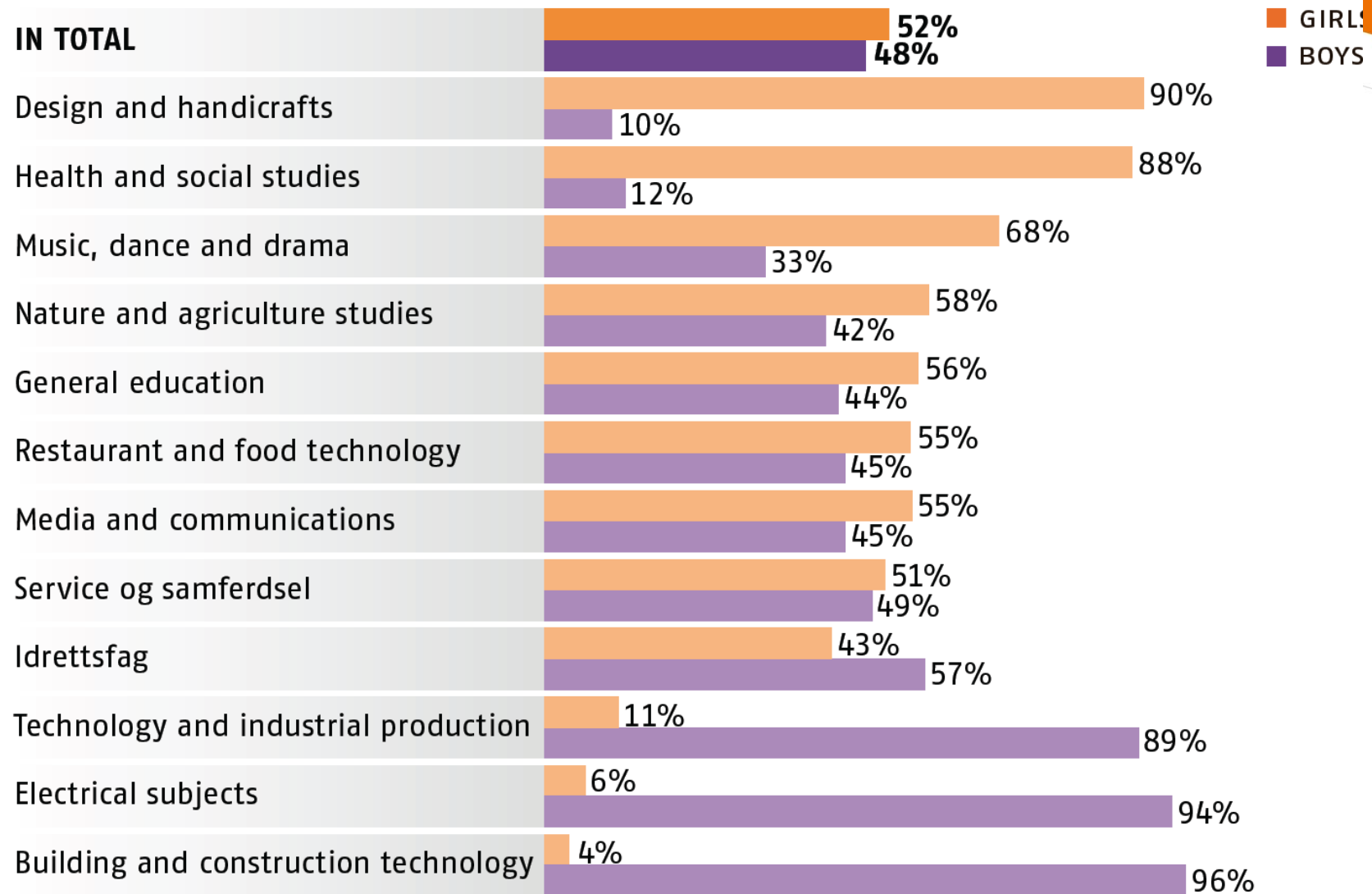
Modernity

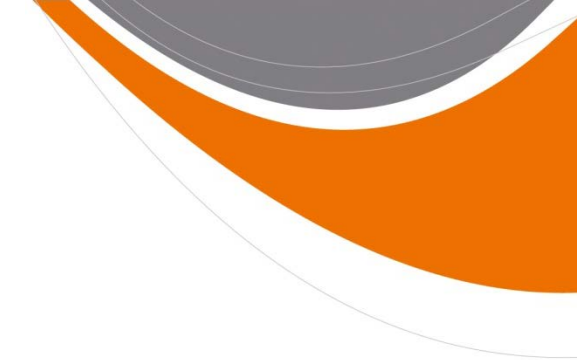
- expansion of the welfare state
- need of labor force
- women entered the labor market
- education revolution
- social and geographic mobility

Gender distribution in upper secondary education, vocational subjects

School year 2006–2007

Source: SSB

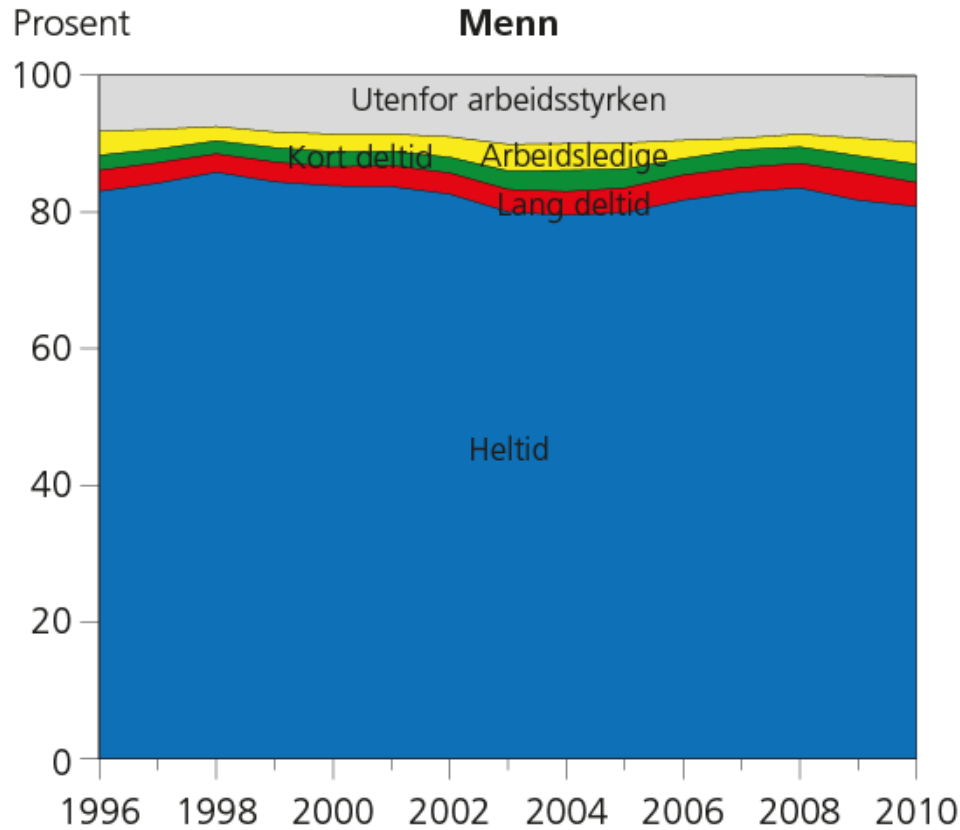
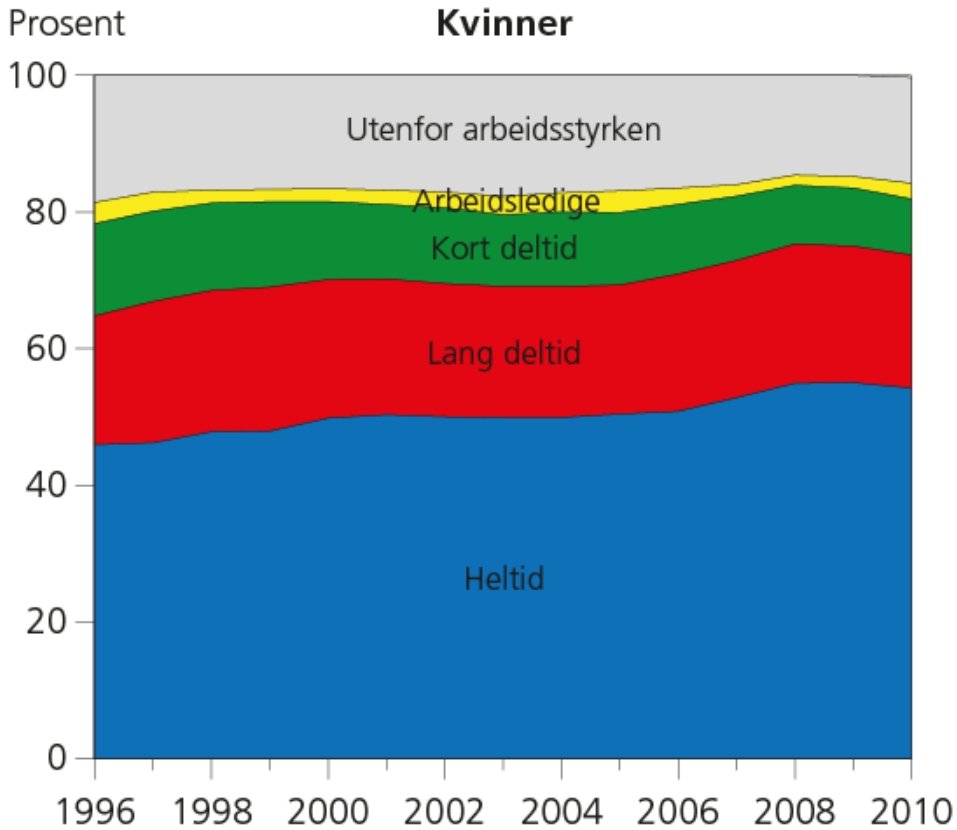




Housewives become part time workers



Yrkesaktivitet og arbeidstid blant kvinner og menn 25-54 år

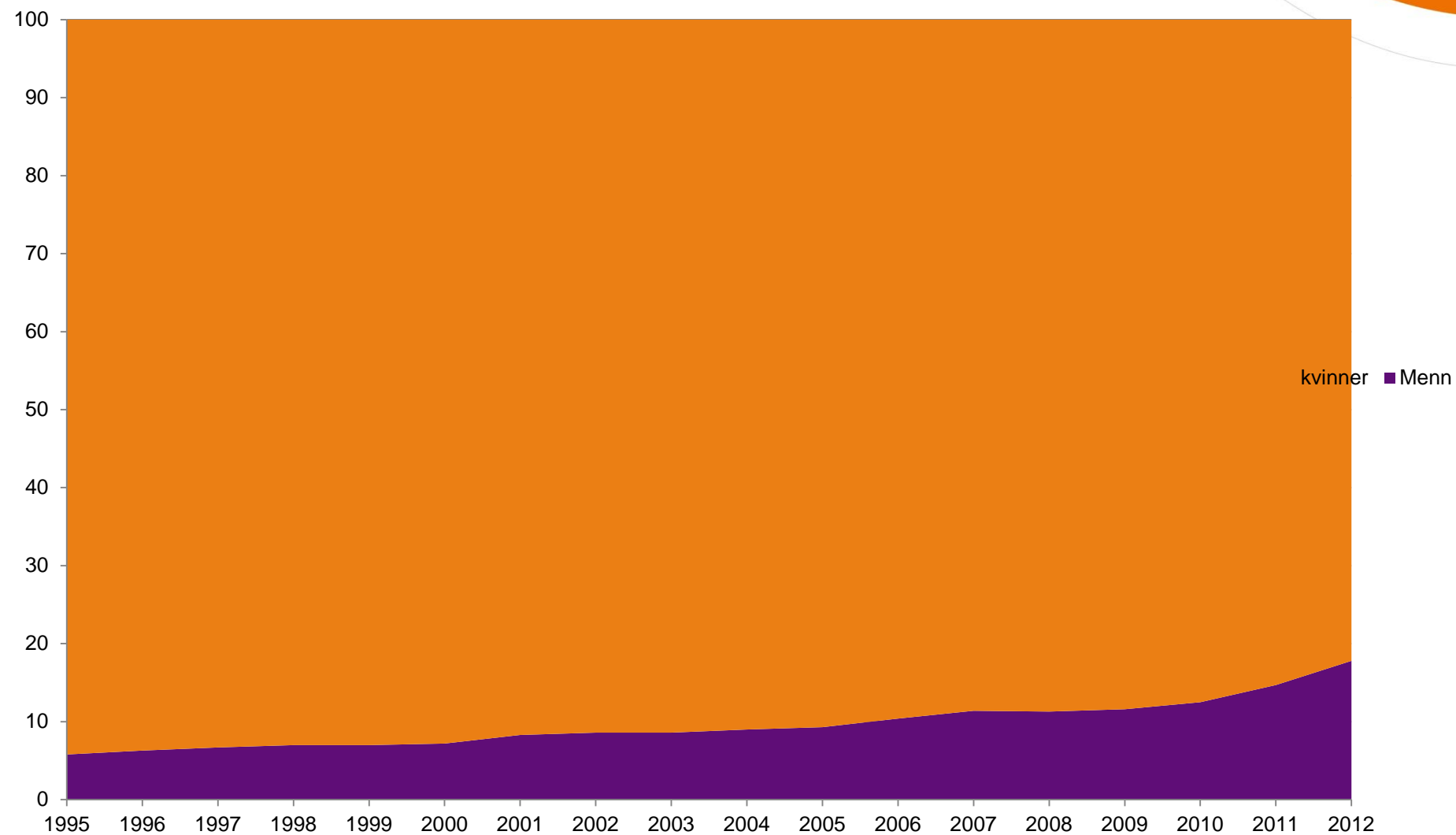


Kilde: Arbeidskraftundersøkelsene, Statistisk sentralbyrå

The helping father



Fathers share of parental leave days



Time spent on paid work and house work/care

Tabell 3.1 Tid brukt til inntektsgivende arbeid og familiearbeid blant giftesamboende fedre og mødre med barn 0–14 år. Gjennomsnitt per dag, timer og minutter. 1970–2010.

	Fedre					Mødre				
	1970	1980	1990	2000	2010	1970	1980	1990	2000	2010
Inntektsgivende arbeid	6,14	5,49	5,35	5,32	5,16	1,18	2,02	2,31	3,12	3,42
Familiearbeid totalt	2,31	2,51	3,10	3,22	3,50	7,25	6,12	5,56	5,12	5,18
Vanlig husarbeid	0,35	0,44	0,44	0,55	1,04	5,00	3,29	2,42	2,07	2,03
Vedlikeholdsarbeid	0,46	0,40	0,34	0,38	0,41	0,12	0,14	0,15	0,14	0,18
Omsorg for barn	0,23	0,40	0,58	0,50	1,03	1,20	1,35	2,00	1,38	1,43
Annet familiearbeid	0,47	0,48	0,54	0,59	1,02	0,53	0,54	1,00	1,13	1,15
Antall observasjoner	1297	1100	812	805	885	1405	1195	1028	826	909

Kilde: Statistisk sentralbyrås tidsbruksundersøkelser 1970–2010.

What is the paradox

- Gender equality politics makes it possible for women to combine work and family,
- BUT it also cement the gender stereotypes because fathers use them less

How can we explain the paradox?

- Working mothers make most use of the welfare benefits
- This makes working mothers less attractive in the labor market
- This is an important mechanism for discrimination

What can we do with the paradox?

- What is the prevalence of pregnancy related discrimination in the Norway

Without having the possibility to combine paid work and caring for children, there can be no equality between men and women

We need that men use family friendly arrangement in the same that women do

We need employers to respect the act and see the benefits in having a non discriminatory policy

A campaign against pregnancy related discrimination



The Gender Equality Act



Parental benefit period

- The leave period is 49/59 weeks (46/56 after birth)
- Mothers maternity leave: 3 weeks prior to the due date.
- Mothers parental leave: 6 weeks after childbirth
- Maternal quota and paternal quota (paternity leave) – 10 weeks
- Shared period -26/36 weeks
- If the father is claiming all or part of the shared period, the mother has to fulfil certain requirements regarding activity.


The Gender Equality Act (2013) Section 5

Discrimination on the basis of gender shall be prohibited. Discrimination on the basis of pregnancy and leave in connection with childbirth or adoption shall be deemed discrimination on the basis of gender. The prohibition shall apply to discrimination on the basis of a person's actual, assumed, former or future pregnancy or leave. The prohibition shall also apply to discrimination on the basis of the gender of a person with whom the person who is discriminated against has a connection.



The Gender Equality Act section 18

An employer shall not collect information about pregnancy, adoption or plans to have children during the hiring process, whether during interviews or otherwise.



The Gender Equality Act Section 20

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 shall be 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 shall not govern the setting of or changes to pay and working conditions as a result of circumstances other than parental leave.

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

Enforcement

- The Equality and Anti-Discrimination *Ombud* gives statements as to whether a violation has occurred of the Gender Equality Act (Act No. 59/2013)
- The Equality and Anti-Discrimination *Tribunal* hears appeals against the statements and decisions made by the Ombud.

Enforcement

- The Ombud and The Tribunal shall be a real alternative to examination by the Courts in equality and discrimination cases.
- The Tribunal can order cessation, correction and other measures that are necessary in order to ensure that discrimination, harassment, instruction or retribution ceases and to prevent repetition.

Enforcement - compensation

- The Tribunal cannot set aside or change decisions made by other administrative bodies or make decisions in cases concerning decisions that have been made by the King or Ministries. Instead, the Tribunal shall make a statement in this type of case.
- The Tribunal cannot set an amount of damages or compensation in the case of violation of the equality and anti-discrimination legislation.

Summary

- Strong protection against discrimination through The Gender Equality Act for both men and women
- - but enforcement bodies cannot set an amount of damages or compensation...

Number of complaints

- The single area the ombud receives most inquiries about
- 1970s/1980s – very few complaints
- 1990s – about 10 complaints per year
- 2000s – about 30 complaints per year
- 2010s – 20-30 complaints per year

Campaign strategy



Target groups

- Jobseekers and employees
 - Expectant parents
 - Parents on leave
 - Young people
- Employers

The social partners

- In Norway the social partners hold an influential position
- There can be no change in the working life without contribution from the social partners
- Cooperation with the social partners

Campaign elements



Digital campaign about rights

- Campaign webpage
- Facebook page
- Ads
- Quiz
- Cartoons
- Infographics

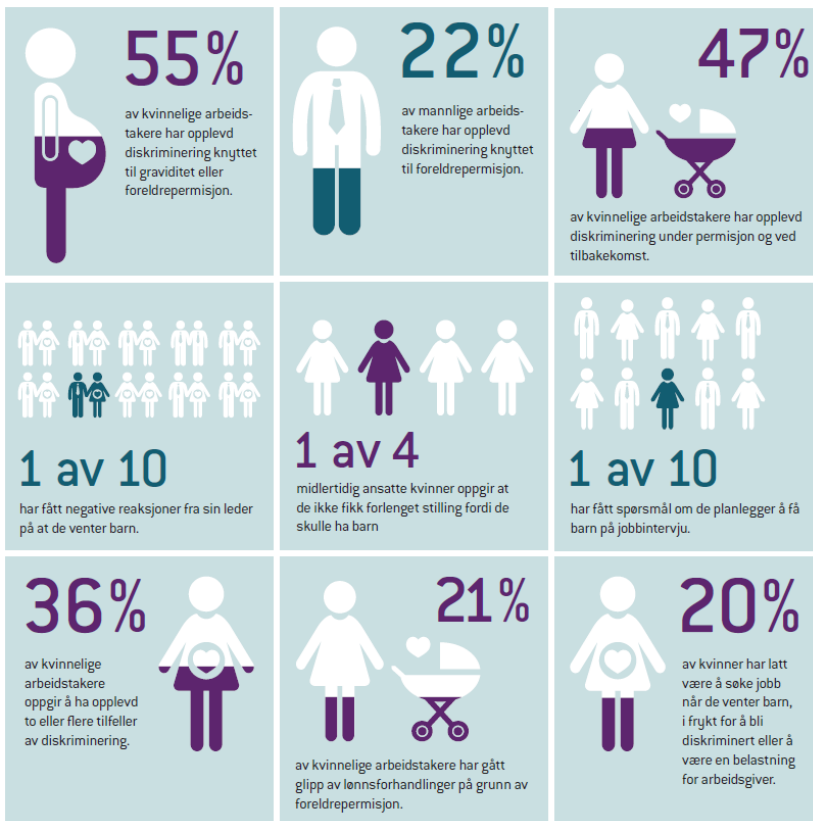
KVALIFISERT

DISKRIMINERT



Digital Campaign Elements

Infographics



Cartoon



Her er en av tegneseriene jeg har laget for Likestillingsombudets #kvalifisertdiskriminert kampanje. Folk som skal ha barn har nok med å lage et nytt menneske (!!), de bør slippe å bekymre seg for om det påvirker jobbmulighetene deres i tillegg.



Unlike · Comment · Share

You, Markus Ekornes Myhre and 665 others like this.

19 shares

Digital Campaign Elements

Advertisement



A mobile advertisement displayed on a smartphone screen. The browser address bar shows 'www.klikk.no'. The app header for 'foreldre.no' is visible. The main image features a pregnant woman in profile, with a pair of scissors cutting a horizontal line across her belly. The text reads: 'KVALIFISERT DISKRIMINERT'. Below this, it says: 'Altfor mange blir diskriminert på jobb når de får barn. Ikke finn deg i det, snakk heller med oss.' At the bottom, there is a logo for 'Likestillings- og diskrimineringsombudet' and a navigation bar with the text 'Barn i magen'.

Facebook

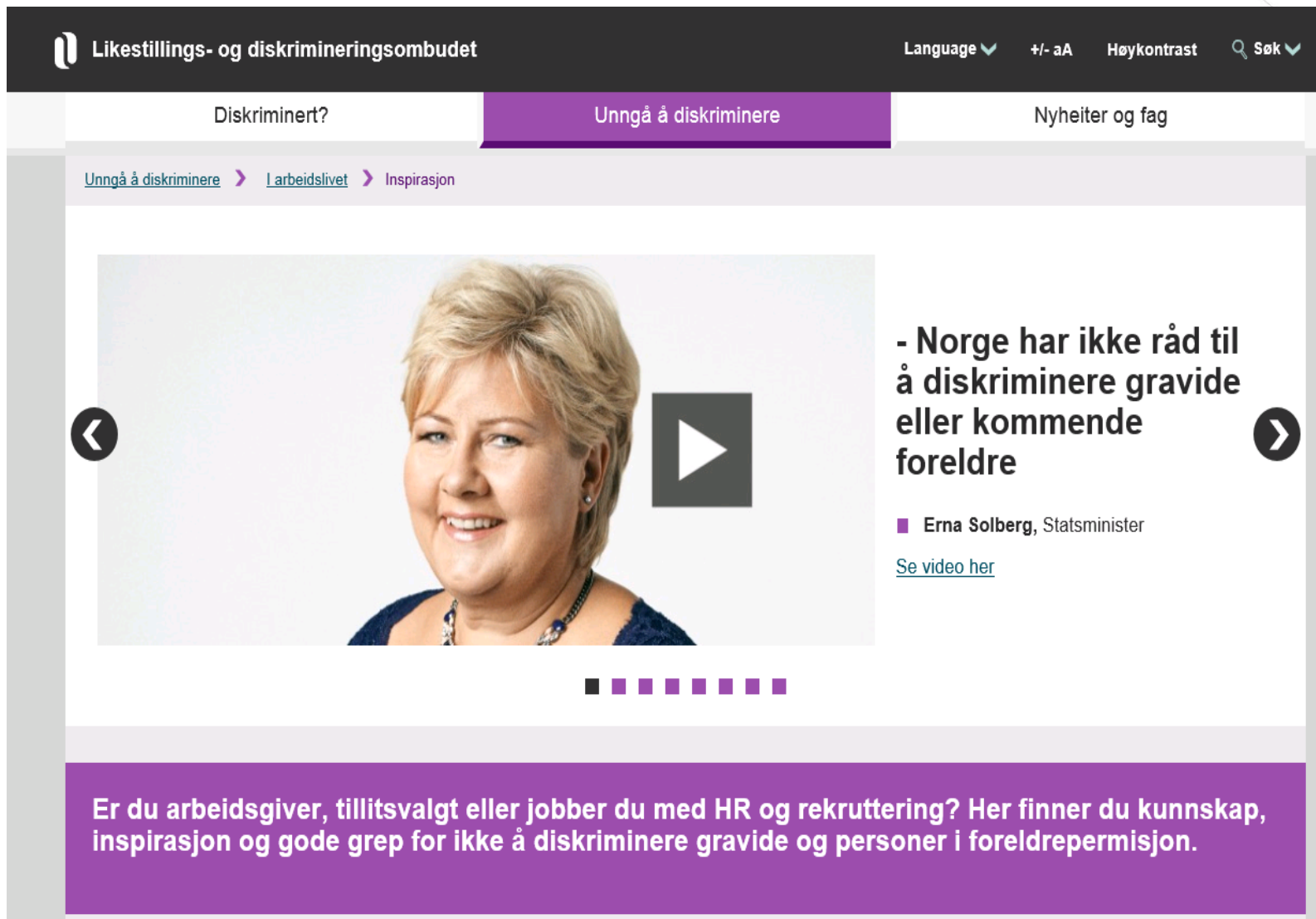


A Facebook advertisement for the 'Likestillings- og diskrimineringsombudet' (LDO). The ad is sponsored and features a woman holding a baby. The text reads: 'KVALIFISERT DISKRIMINERT'. Below the image, it asks: 'Kjenner du rettighetene dine?' and provides information: 'Annenhver mamma opplever diskriminering når de får barn. Kjenner du rettighetene dine dersom det skulle skje deg?'. A 'Learn More' button is present, along with the URL 'LDO.NO/KVALIFISERT-DISKRIMINERT'. The ad also shows engagement options: 'Like · Comment · Share · 1'.

Results from the digital campaign

New likes	Visits to LDO.no	Ads shown to
656	46 529	636 691

Guide for employers




Likestillings- og diskrimineringsombudet

Language ▼ +/- aA Høykontrast 🔍 Søk ▼

Diskriminert? **Unngå å diskriminere** Nyheter og fag

[Unngå å diskriminere](#) > [Arbeidslivet](#) > [Inspirasjon](#)



- Norge har ikke råd til å diskriminere gravide eller kommende foreldre

■ Erna Solberg, Statsminister

[Se video her](#)

■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■

Er du arbeidsgiver, tillitsvalgt eller jobber du med HR og rekruttering? Her finner du kunnskap, inspirasjon og gode grep for ikke å diskriminere gravide og personer i foreldrepermisjon.

Guide for employers

Best practices



De gode løsningene

Dette gjør de beste virksomhetene.

- Interview with employers who don't see pregnancy and parental leave as a problem

Guide for employers

Don't make these mistakes



Ikke gjør disse feilene

Slik bryter norske virksomheter loven.

- The Gender Equality Act

Guide for employers

Test your business



Test din virksomhet

Slik unngår du å diskriminere: Ta testen og gjennomfør sjekklisten.

- Check list: How does your business score?

Checklist



Sjekklisten

Slik unngår du å diskriminere

Ta LDOs sjekkliste og finn ut om din virksomhet står i fare for å diskriminere gravide eller medarbeidere i foreldrepermisjon. Kryss av i sjekkboksen hvis utsagnet stemmer for deg.

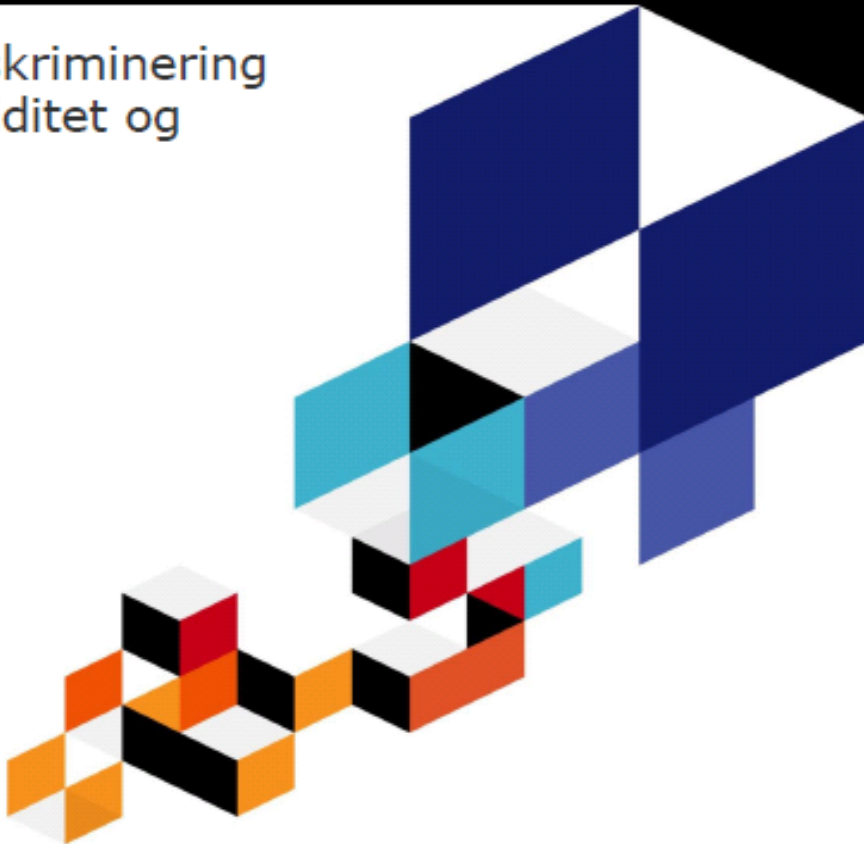
Vi vet at diskriminering av gravide og folk i foreldrepermisjon er ulovlig.

VED REKRUTTERING

1. Vi spør ikke om graviditet eller permisjon under jobbintervjuer.
2. Vi utelukker ikke kandidater fordi de er gravide eller skal ut i foreldrepermisjon.
3. Dersom jobbsøkeren selv er åpen om graviditet og permisjon spiller ikke det negativt inn på muligheten for å få jobb hos oss.
4. Vi er kjent med at NAV dekker mange utgifter forbundet med graviditet og foreldrepermisjon.

Survey on discrimination on the basis of pregnancy and parental leave

Undersøkelse om diskriminering
på grunnlag av graviditet og
foreldrepermisjon



Undersøkelse om diskriminering

© TNS 16. februar 2015

14101206 | tka



Survey facts

- 2000 respondents
 - 56 % women
 - 44 % men
- Women and men who had become child/children during the period 2008-2014

The questions

- Questions on the basis of the provisions in the Norwegian equality Act:
 - Experiences in relation to applying for jobs, at work when expecting a child, during and after parental leave.
- Negative experiences, not necessarily illegal

Examples from the questionnaire

- Have you ever been asked if you were planning to have a child or if you were expecting a child/pregnant in connection with interviews/processes of seeking employment?
- Have you been denied an extension of a substitution position or other temporary position because you were on leave in connection with childbirth?
- Have you been demoted, for example deprived of responsibility or title, after returning from leave in connection with childbirth (in the period 2008-2014)?

Main findings

- The survey shows that workers experience discrimination:
 - Throughout the working life
 - In both public and private sector
 - In every branch
 - In all parts of the employment relationship

NEW SURVEY
FROM TNS GALLUP:

55

55 PERCENT OF FEMALE WORKERS REPORT HAVING EXPERIENCED DISCRIMINATION ASSOCIATED WITH PREGNANCY AND PARENTAL LEAVE

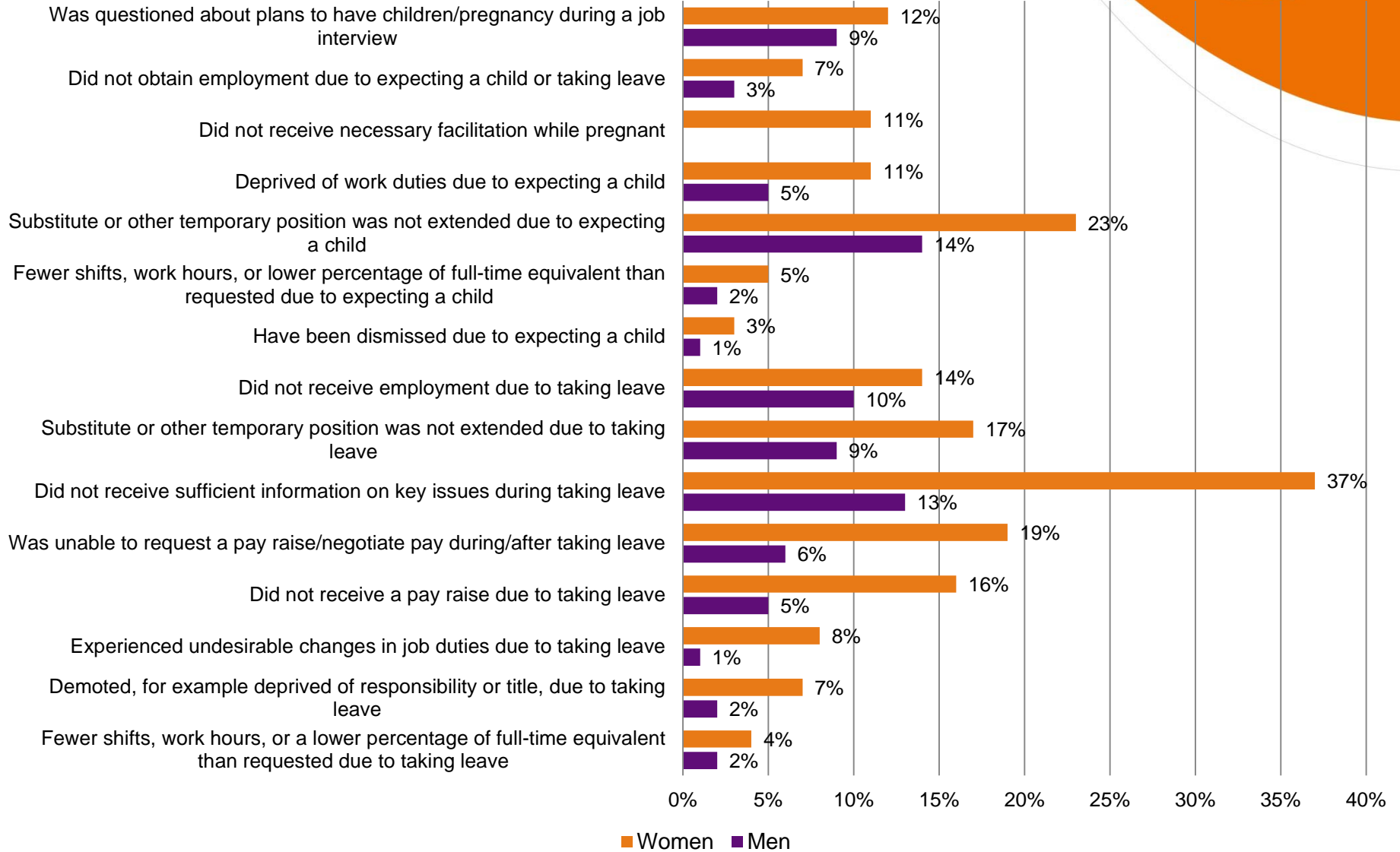


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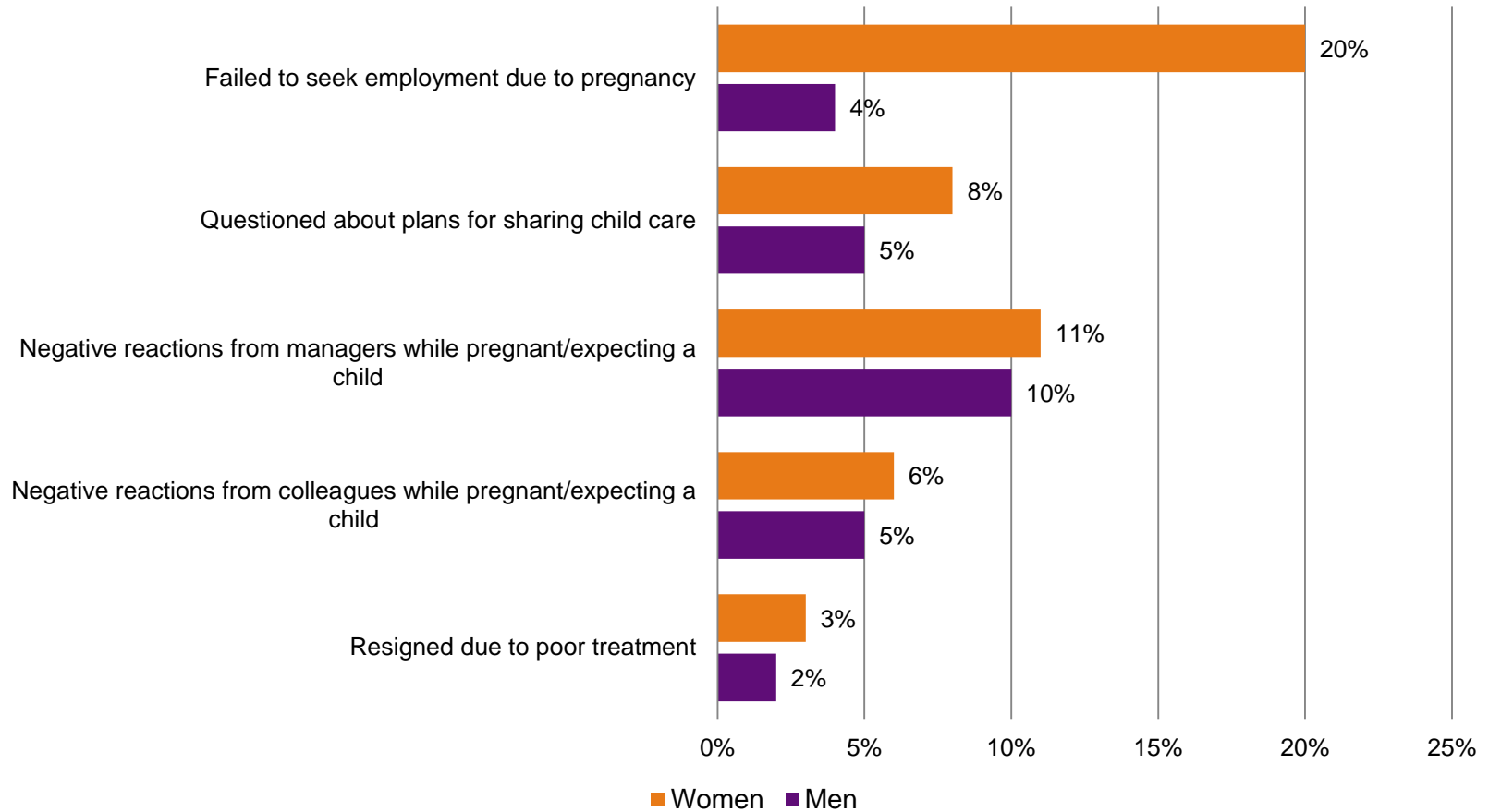
22 PERCENT OF MALE WORKERS REPORT HAVING EXPERIENCED DISCRIMINATION ASSOCIATED WITH PREGNANCY AND PARENTAL LEAVE



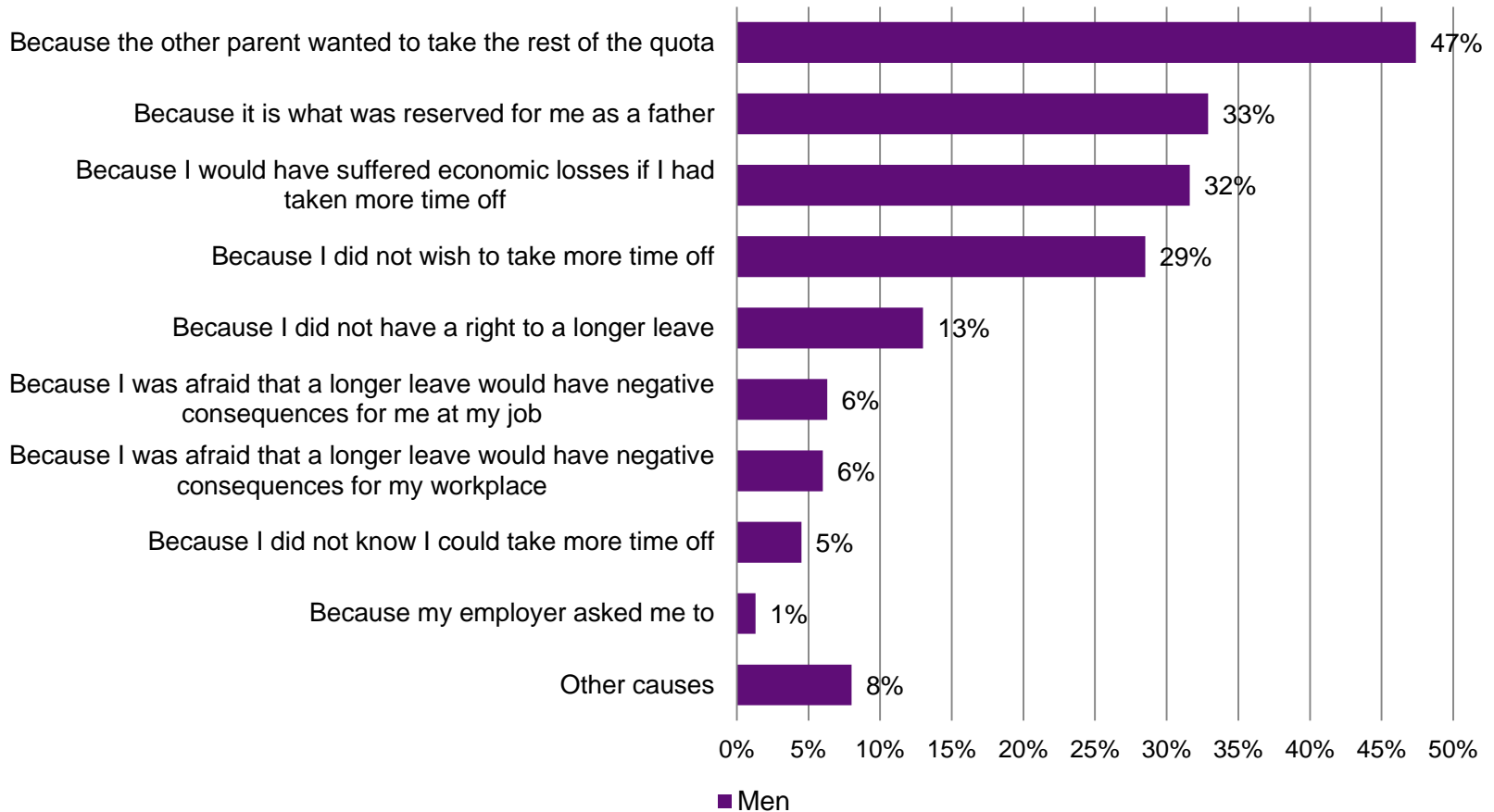
Subjective Experiences of Discrimination



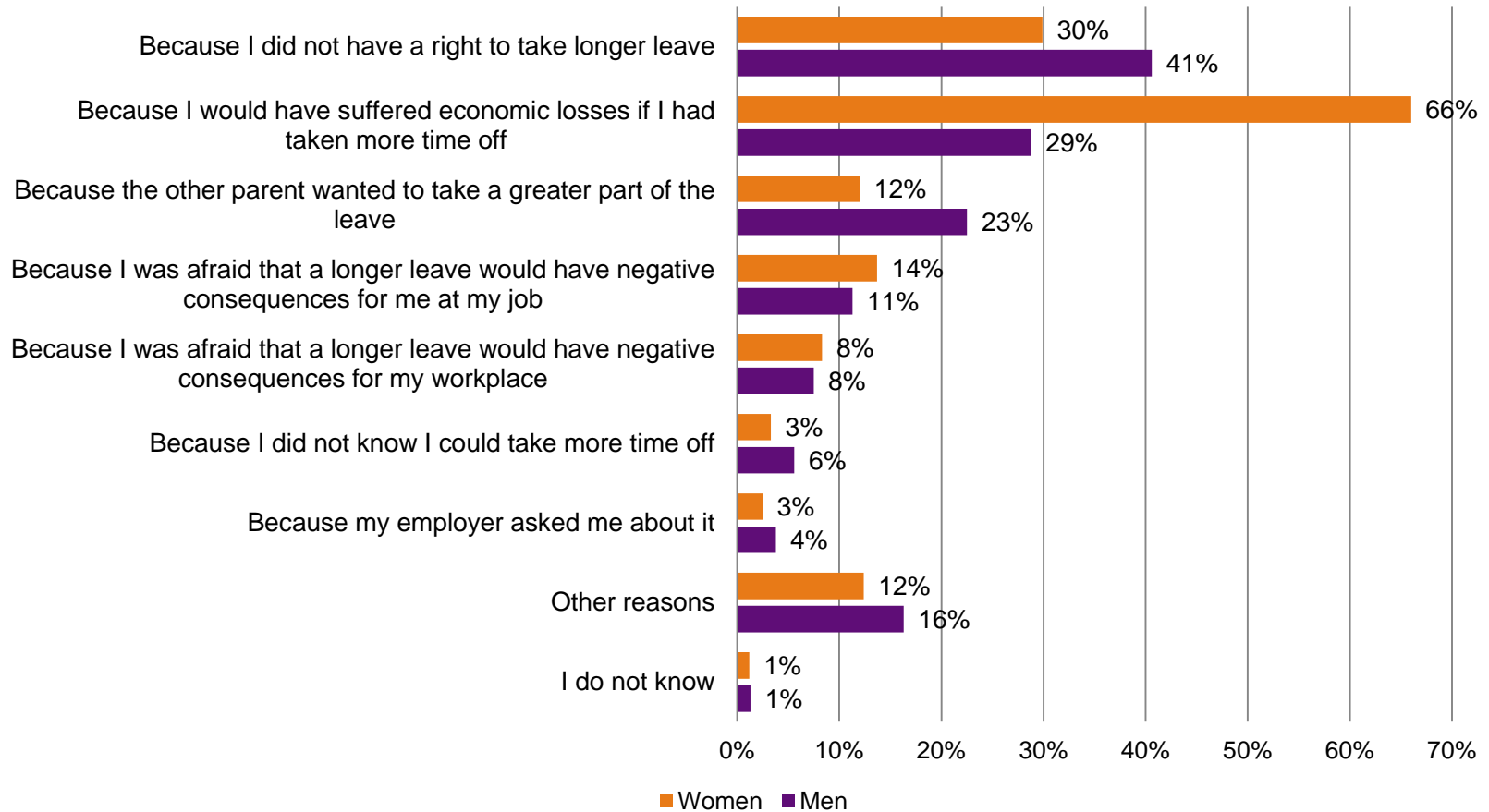
Other negative experiences



Why did you redeem the exact paternal quota or less?



Why did you take less leave than desired?



Recommendations for action



Recommendations for action

1. Further strengthening of the legislation:
 - a) Sanctions
 - b) Individual accommodation
 - c) Positive duties/prevention of discrimination
 - d) Compulsory equality training
2. Binding cooperation between the social partners
3. The offer of equality training must be expanded and adapted to the workplace
4. Access to information about rights

1 a) Sanctions

- Violation of the equality- and anti-discrimination legislation, must have consequences
- The Equality and Anti-discrimination Tribunal must have the competence to impose redress

1 b) Individual accommodation

- There must be a clear obligation to provide individual accommodation to pregnant workers
- A specific provision must be introduced/imposed

1 c) Positive duties

- Legal prohibition is not sufficient to avoid discrimination
- Employers must have a legal obligation to prevent discrimination in the workplace

1 d) Compulsory equality training

- There must be a legal obligation regarding equality training for employers and company representatives
- Training in how to promote equality and combat discrimination in the workplace
- Today the training is optional



2. Binding cooperation in the tripartite cooperation

- No changes in the labor market without involving the social partners

3. The offer of equality training must be expanded

- In every region
- Sector wise adaption

4. Access to information about rights

- Pregnant women and fathers to be must be guaranteed information about their rights