




Ligestillings- og  
diskrimineringsombudet

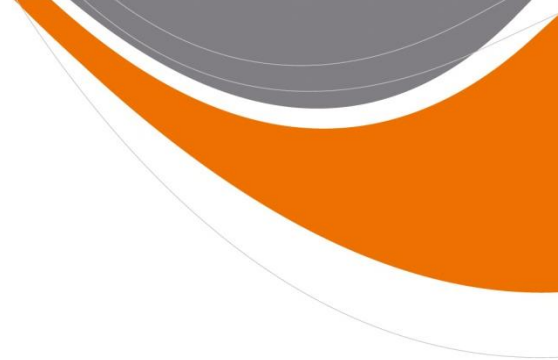
# Sexual harassment in the work place



## Sexual harassment in the work place


The Ombud has written and presented a report on the prohibition against harassment in working life. This includes sexual harassment, harassment relating to gender, disability, ethnicity, age, political views, membership in a trade union and harassment relating to sexual orientation gender identity and gender expression.





This report gives information about the international and national legislation in this area, and it also provides information about case law and administrative practices of the ombud and our appeals board **The Equality and Anti-discrimination Tribunal**

The report is available online (only in Norwegian), so that it can be used by media, trade organizations, researchers etc.



# Definition of sexual harassment

## The Gender Equality Act:

### **Section 8.** *Prohibition against harassment*

*Harassment on the basis of gender and sexual harassment shall be prohibited.*

*“Harassment on the basis of gender” shall mean acts, omissions or statements that have the effect or purpose of being offensive, frightening, hostile, degrading or humiliating. “Sexual harassment” shall mean unwanted sexual attention that is troublesome to the person receiving the attention.*

# What is sexual harassment?

- Verbal, non verbal, actions
- The context of the situation
  - Time and place
  - Power imbalance
  - Did the victim say or in any other way express that the attention was unwanted (not a condition, but can be given influence on the case)
- «(...) troublesome to the person receiving the attention» - the victim's perception of the situation should be given considerable weight

# Some statistics

12 % of women say they have been exposed to unwanted sexual attention, comments etc. a few times a month or more often

*(Statistics Norway, 2014)*

# Who are most exposed to sexual harassment?

- *Nurses*
- *Service workers (hotels and restaurants)*
- *Shop and market sales workers*

*(Statistics Norway, 2014)*

# The Ombud's work relating to sexual harassment in the work place

- Giving legal advice to employers, employees, trade unions etc. (both oral and in written)
- Working towards providing a low threshold service to those subject to sexual harassment (free of costs)
- Giving legal training to employers, trade unions and other organizations
  - «Train the trainers»
- Giving conclusive statements in cases



## How does the Ombud work with cases relating to sexual harassment?

- The Ombud do not enforce the prohibition of sexual harassment (The Gender Equality act section 8)
  - Enforced by national courts
    - The Supreme court in Norway: Total of ten cases regarding sexual harassment
- The Ombud enforces the employer's duty to preclude and prevent [sexual] harassment
  - The Gender Equality Act section 25:  
«Employers shall preclude and seek to prevent the occurrence of harassment contrary to section 8.»

# The scope of our cases

- The Ombud has received in total 70 cases relating to sexual harassment (since 2005)
- In 7 cases the Ombud has given a conclusive statement
- 4 cases are currently being processed



The Gender Equality Act section 25:

«Employers shall preclude and seek to prevent the occurrence of harassment contrary to section 8.»

# What does the duty of employers entail?

- To have a clear and spoken zero tolerance towards [sexual] harassment
- To have practical training for the employees (at all levels) in relating to what [sexual] harassment is
- To have a standard routine when receiving a notice about [sexual] harassment

# How should the employer handle a notice about sexual harassment?

## 1) Meeting with both parties (separately)

- Try to find out what has happened
- If there is reason to believe a criminal offense has taken place – assess if there should be pressed charges

## 2) Having written reports after relevant meetings

- Why was the meeting set up?
- What was discussed?
- What further measures will be taken?
- The people who were present should sign the report from the meeting to make sure that there is a mutual understanding of what was said and agreed upon

## 3) If the meetings exposes that there is reason to press charges or other measures should be taken, this should be written

## 4) A follow up meeting with the offended

- Has the harassment stopped?

## Sexual harassment in school

- Will send you an update of latest research should you be interested
- The ombud has focused primarily on sh in the work place and hate speech as a form of (sexual) harassment