

## THE RIGHT TO EQUAL PAY IN NORWAY

### **The status of equal pay in Norway**

As in other European countries employers have to pay equal pay to men and women for the same work and for work of equal value.

Even so, the pay gap is still 12 % on average. It was 15 % for many years. So there are some improvements.

Parts of the gender pay gap is fully legal. Women may work on lower levels in the companies, and more women than men work in the public sector where salaries are lower, but job security is better. The law is only about salaries in the same company. The unequal pay in different branches is therefore not illegal. In earlier days the pay gap could also be due to lower education, which is not the case anymore.

Some research suggests that around 10 % of the gender pay gap is due to discrimination.

The Anti-Discrimination Tribunal is the primer instance for the implementation of the law. It is free of charge. But this functions only half way, because compensation and damages have normally to be decided by courts, and without torts, the law is not efficient.

According to the Equality and Anti-Discrimination Act of 2017, both employers and employee's organizations have a legal duty to promote equality. When the law was new, there was no way to implement this duty for employers. Some months after the law was passed, however, employers also got the duty to report annually on the state of affairs for gender equality and with which measures they planned to promote equality.

### **Specially about the divide in branches in the market**

One of the big problems with the pay gap is related to the divide in branches in the market. There are branches which in general employ females and other who employ males. As pointed out above, it is then not illegal to pay different levels on the salaries. It is very difficult to combat this because it is no one except the system itself who is responsible here. This works two ways; On the one hand branches with most females could easily pay their employees low pay. On the other hand, the market will tend to split up in male and female branches to spare salaries.

### **Specially about the effect of market arguments**

The market arguments have made their mark on the regulation of equal pay.

In Norway employers have regularly claimed that they have to pay certain male employees a higher salary to be able to recruit them, even if female employees get lower pay for work of equal value.

Is this legal? A starting point for further discussion could be that if it is ok to let the market decide all salaries, we had no need for legislation on equal pay.

My conclusion is that we have to admit that the market in itself could be discriminatory, and so far it is, the difference in pay is illegal.