

FACT SHEET ON NORWAY

Information supplied by Mari Teigen, based on her paper for the Workshop on Legal Struggles and Political Mobilization around Gender Quotas in Europe, September 2014, Florence.

CONSTITUTION
Constitutional gender equality clause, including constitutional parity provisions.
NO Constitutional provision. The politics of state feminism (Hernes 1987) in Norway can be characterized as consisting of three core elements. A first element is the Gender Equality Act, which was established in 1979. The Norwegian Gender Equality Act combines protection against discrimination with active duties for public authorities and employers to promote equality. Furthermore, it has included provision for positive action from the beginning, which has paved the way for preferential treatment and gender quota arrangements. A regulation of representation of at least 40 percent of each gender has been the ruling since 1988 in the Gender Equality Act, article 21, and in the Municipal Act since 1992. A second element is family- and welfare policies. The Norwegian welfare state adopted maternity leave schemes and sponsored childcare policies from early on, and these policies have been regarded as part and parcel of woman friendly policies, characterizing Norwegian state feminism. The generous leave schemes and the extensive childcare facilities have facilitated the reconciliation between family and work by promoting women's participation in the labour market, as well as promoting men's participation in the family and care for children. Third and finally, from the 1970s gender quota policies have been established in Norway to promote and regulate the gender balance of decision making assemblies. In recent years gender quotas in politics have spread globally.
Constitutional reform
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Constitutional/Supreme Court case law on quotas
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NUMBERS
Number of female MPs in both chambers
Only one chamber: 169 representatives, of which 68 are women.
Number of women in boards of biggest publicly listed companies
In percentages: 2002: 6 2004: 9 2005: 12 2006: 18 2007: 25 2008: 36 2009: 40 2010: 39

2011: 40
2012: 41
2013: 41
Source: Statistics Norway.

POLITICAL and PARTY QUOTAS

Existence of voluntary party quotas and other schemes

Liberal Party (1974; Socialist Left Party 1975; Center Party 1979; Labour Party 1983; Christian Democratic Party 1989.

Liberal party has gender quota regulation for the composition of internal party organization, while the other parties have gender quota regulation both for internal organization and for election lists.

Existence of soft measures in politics

Preferential treatment is the most widely dispersed in recruitment and promotions in public administration (state and municipal sector)

Applicants from the under-represented gender are given priority, when qualifications are equal or about equal. As a result of the carefulness of the formulation of these procedures, they have proved to have only minor direct effects. In spite of their relative efficiency, studies indicate, however, that they positively affect organizations' prioritizing and legitimizing of gender equality

In the Norwegian context, minimum representation arrangements are generally formulated as a demand for at least 40 percent of each gender. Principles of minimum representation exist as voluntary agreements in five of the major Norwegian political parties, with the exception of the Conservative Party and the right wing Progress Party.

Existence of hard legislated electoral quotas

NONE

Existence of Public board quotas

In Norway the state is a prominent owner and actor in economic life, and in particular among the listed companies registered on the Oslo Stock Exchange. More than 40 percent of the ownership on the Oslo Stock Exchange is publicly, mainly state, owned. (see further corporate boards)

Public commissions: Minimum representation

1981, first regulation of gender composition in the Gender Equality Act, 1988, 40 % of each gender, included in the Local Government act, 1992.

Minimum 40 % of each gender should be represented in publicly appointed boards, councils and committees.

CORPORATE BOARD QUOTAS

Existence of soft Corporate Board quotas/measures

Preferential treatment is used in some private companies
These schemes have for the most been rather powerful in achieving their aim.

Existence of hard Corporate Board quotas

The Norwegian gender quota legislation for corporate boards applies for a wide range of companies: in the boards of public limited companies (PLC), inter-municipal companies⁶ and state enterprises⁷. Cooperative companies⁸ and municipal companies⁹ were included from respectively 2008 and 2009. The numerous private limited companies, however, often small, family-owned businesses, were not subject to gender quota legislation. Nevertheless, a requirement of at least 40 percent of each gender in the board rooms today regulates central parts of Norwegian business life. In this paper the main focus is on public limited companies.

The criteria for gender representation on the boards is set in the Norwegian Public Limited Liability Companies Act¹⁰ in its article 6-11a. Demand for representation of both genders on the board. 11 Parallel formulations apply for the other types of companies object to the gender quota ruling.

(Corporate boards

Minimum representation

Adopted 2003 in company legislation (PLC), implemented

for new companies 2006, full implementation 2008

Minimum 40 % of each gender should be represented in the boards of public limited companies and publicly owned enterprises

By constructing a parallel between employee and gender representation they made evident that there already exist restrictions to the autonomy of the owners in relation to the composition of company boards.

The legislation adopted in 2003 was formulated as a “threat» legislation: if not the companies voluntarily had reached the gender demands until July 2005, the legislation would be effectuated. Although the representation of women increased between 2003 and 2005, the target set of at least 40 percent women was far from reached for the public limited company boards. Thus, in late autumn 2005 the government decided to effectuate the legislation for new established companies from 2006 and all PLCs from 2008

FACTORS IN ADOPTION: the state feminist institution, and in particular its emphasis on gender quota policies; industrial democracy and its regulation of employee representation on corporate boards; and finally the clash between state feminist policies and neoliberal deregulation policies.

ARGUMENTS justice, utility and democracy.

The participants in the public debate on gender quotas for corporate boards were primarily people in top positions. The main voices against gender quotas for corporate boards were expressed by corporate managers and owners and representatives of employer’s organizations, while the supporters were represented mostly by politicians, high-ranked civil servants, as well as from representatives connected to the gender equality machinery. The supporting politicians came from a broad spectrum of political parties, mainly the Norwegian Labour Party, the Conservative Party and the Christian Democratic Party. Opponents among politicians mainly represented the Progress Party and the Conservative Party, but there were few participants from the opponents’ side representing the political parties.

The women’s organization did not take an active part either in the newspaper debate or in the consultation process.

It was not as much influenced by abroad as that it caused a wave of reform across Europe.

QUOTAS IN OTHER DOMAINS

Legislated or voluntary measures in other domains as executive, judiciary, universities, sports federations, trade union, professions, political party structure, etc.

Preferential treatment in connection with admission to gender-skewed types of education.

Promoting procedures constitute a slightly different kind of positive action procedure, which imply that candidate’s chances are improved by being moved upwards in a ranking. The “additional point” system is the

most commonly applied procedure to balance the gender composition of students within gender-skewed fields of learning. "Earmarking" is another promoting procedure, mainly applied at universities to increase the representation of women in academic positions. "Earmarking" of university positions for women, recruitment positions, as well as professor positions, played an important role as the gender-equality strategy of Norwegian universities in the 1990s. This procedure was abolished after the procedure had been judged by EFTA's surveillance authority (ESA), which concluded that this particular formulation of positive action would be in contravention of the principles of equality and proportionality.

Voluntary quota arrangements are also widely dispersed among civil society organizations.

SEE ALSO TABLE 1

CONTAGION and CONNECTIONS

Contagion between different domains within the country

The wider ripple effects of voluntary measures have been modest, but the legislated quotas have created a general accepted equal representation culture also in companies not affected.

Connections with other countries/ international dynamics

The Norwegian corporate board quotas sparked debate in other countries, rather than visa versa.

COUNTRY SPECIFICS

Best practice

The gender quota reform for corporate boards, first adopted in Norway in 2003 and fully implemented from 2008, has had great repercussions. A wave of diffusion of corporate board quota legislation has swept across Europe, and some other parts of the world (Fagan et al.2012, Teigen 2012b, Armstrong & Walby 2012, Terjesen & Lorenz 2014). In Norway, as an effect of the reform, the presence of women in corporate boards has increased dramatically throughout the last ten years – and gender balance is evolving in other countries, especially in those where gender balance policies have been introduced for corporate boards (EWL report 2012).

Noticeable the gender quota legislation for corporate boards did not remain a distinctly Norwegian exemption, but instead it contributed to a revitalization of the international gender equality debate.

The main point is to argue that there exists a policy legacy in Norway for solving "problems" of male dominance in decision making by applying gender quota arrangements. Thus, when the idea first was launched, this emerged as a possible policy measure to adopt.

A relatively balanced representation of men and women in political decision-making.

Voluntary measures rather effective.

Failures

No ripple effects between domains.

Table 1 Types of positive action/quota procedures according to field of the society

Field of society	Types	Adopted	Procedures
Education	Preferential treatment	Upper secondary education, 1982, Norwegian School of Economics and Business Administration, 1980	Candidates of the under-represented gender are given priority in cases of equal qualifications (same amount of school points).
	Promoting procedures	Norwegian University of Science and Technology, 1981 (additional points), 1997 (earmarking procedure)	Additional school points granted to applicants of the under-represented gender; earmarking of school places for candidates of the under-represented gender, with strict restrictions according to qualifications.
Employment	Preferential treatment	State sector, 1981; municipal sector, 1985	In recruitment and promotions applicants of the under-represented gender are given preferential treatment when qualifications are equal or about equal.
Politics	Minimum representation	Liberal Party 1974; Socialist Left Party 1975; Center Party 1979; Labour Party 1983; Christian Democratic Party 1989	Quotas (at least 40 % of each gender) regulate party election lists and appointments within party organizations in five of the seven major political parties
Organizations:	Minimum representation	The Norwegian Confederation of Trade Unions, 2005	Quotas (at least 40 % of each gender) regulate composition of decision-making bodies, as far as it is possible
Public commissions:	Minimum representation	1981, first regulation of gender composition in the Gender Equality Act, 1988, 40 % of each gender, included in the Local Government act, 1992	Minimum 40 % of each gender should be represented in publicly appointed boards, councils and committees
Corporate boards:	Minimum representation	Adopted 2003 in company legislation (PLC), implemented for new companies 2006, full implementation 2008	Minimum 40 % of each gender should be represented in the boards of public limited companies and publicly owned enterprises

Table 2. Overview of the political process that led to the adoption of gender quotas for corporate boards¹

Year	Actions
1999	Consultation on a proposition to legally regulate gender composition of all company boards (at least 25 % of the underrepresented gender). Included in a big revision of the Gender Equality Act.
2001	New consultation of a proposition to legally regulate gender balance (at least 40 percent of each gender) in publicly owned companies (state and intermunicipal) and public limited companies. Legislation proposed as part of company legislation.

¹ Se også Nygaard (2011).

2002	Government announces that they will proceed with the legislation, although there will be no legislation if the companies reaches 40/60 percent gender balance voluntary.
2003 (june)	Legislation presented, including publicly owned companies and public limited companies. Deadline for voluntary adaptation is 1st July 2005, if the public limited companies have reached the 40 percent target by then, no legal gender quota will apply for these companies.
2003 (desember)	Legislation passed in parliament.
2005 (juli)	Proportion of women increased in the boards of public limited companies to 25 percent, although significantly below the demand for at least 40 percent of each gender.
2005 (desember)	Government resolution that the legislation is to be effectuated. Sanction to not oblige with legislation is forced dissolution of companies.
2006	All new established public limited companies must fullfill legal demand of t least 40 percent of each gender on company board.
2008	All public limited companies must fullfill legal demand of t least 40 percent of each gender on company board.
2008	Parallel legislation is adopted for cooperative companies.
2009	Parallel legislation is adopted for municipal companies.