

The Equality Ombudsman

The Equality Ombudsman (Diskrimineringsombudsmannen, DO) is a government agency that works to promote a society free from discrimination.

We work on behalf of the Swedish parliament and government. We monitor compliance with the Discrimination Act and the Parental Leave Act, and our work is governed by the Act concerning the Equality Ombudsman.

The goal of our work is a society where there is respect for the equal rights and opportunities of all – irrespective of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

What is discrimination?

In Sweden, discrimination is prohibited through the Discrimination Act. Discrimination means that a person is treated less favourably in comparison to someone else. However, not all unfavourable or unfair treatment is discrimination in the legal sense.

In simple terms, one could say that the legal definition of discrimination consists of four conditions. For an event to be considered discriminatory, all four of these conditions must be met.

1. It must involve an incident or situation that places a person at a disadvantage or violates a person's dignity.
2. The disadvantage or violation of dignity must relate to one or more of the seven grounds of discrimination (for example sex or age).
3. The incident must involve one of the six forms of discrimination that are listed in the act (for example direct discrimination or harassment).
4. The incident must have taken place within one of the areas of society to which the act applies (for example working life or the housing market).

Even if all the conditions are met, it is not certain that an incident will be considered discriminatory. In some cases, other legislation have to be taken into consideration when assessing whether discrimination has taken place. For example, if a person who is under the age of 18 is refused to buy alcoholic beverages in a restaurant, this is not considered age discrimination as there is another law, the Alcohol Act, that prohibits restaurants from selling alcohol to people under the age of 18. There may also be other factors that result in an incident not being considered discriminatory. An individual assessment must be made in every case.



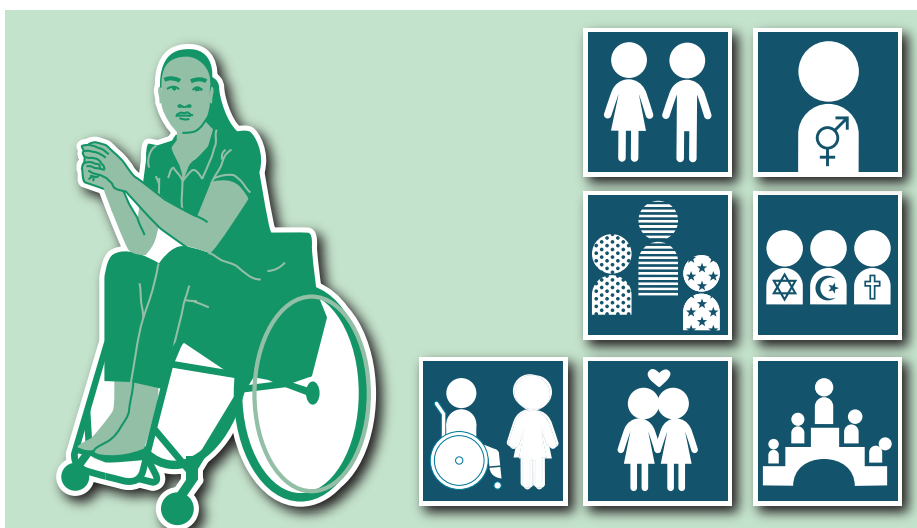
1. It must involve an incident or situation that places a person at a disadvantage or violates a person's dignity

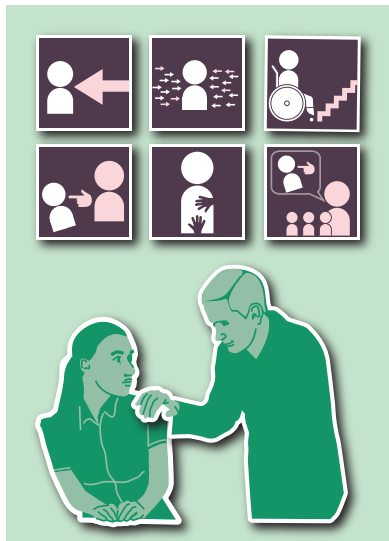
Being disadvantaged means that a person is placed in an inferior position or deprived of an improvement, a benefit or a service. For example, this might involve someone not being called to an interview for a job, not being accepted to a study programme, not being allowed to shop in a store, not being admitted to a restaurant or not being able to rent a car or a home.

2. The disadvantage or violation of dignity must relate to one or more of the seven grounds of discrimination

For an incident to be considered discriminatory, it must also relate to one or more of the “grounds of discrimination”. There are seven grounds of discrimination covered by the Discrimination Act:

- sex
- transgender identity or expression
- ethnicity
- religion or other belief
- disability
- sexual orientation
- age.

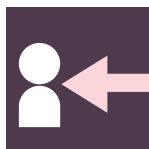




3. The incident must involve one of the six forms of discrimination that are listed in the act

The Discrimination Act specifies six forms of discrimination:

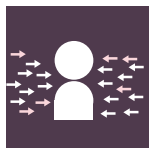
- direct discrimination
- indirect discrimination
- inadequate accessibility
- harassment
- sexual harassment
- instructions to discriminate.



Direct discrimination

Direct discrimination is when someone is treated less favourably than someone else in a comparable situation and there is a link to one or more of the grounds of discrimination.

For example, if an employer thinks that a jobseeker has a foreign-sounding name and, for that reason, chooses not to call that person for an interview.



Indirect discrimination

Indirect discrimination is when there is a rule or procedure that appears to be neutral but disadvantages people of, for example a certain sex, a certain religion or belief, a certain age or any other ground of discrimination. For example, if an employer sets an unwarranted requirement that employees have a driver's licence that may put people with a disability at a disadvantage.



Inadequate accessibility

Inadequate accessibility is when an establishment fails to take reasonable accessibility measures to enable a person with a disability to come into a situation comparable with that of a person without this disability.

The requirement is only that "reasonable measures" be implemented. Whether a measure is reasonable depends, for example, on the establishment's practical and financial ability to implement it. Whether the situation involves a fleeting contact or a longer-term relationship is also taken into account, for example if someone is making a single visit to a shop, or if they are employed or studying for any length of time.

When it comes to accessibility for people with disabilities, there are also a number of other acts that may apply (for example the Work Environment Act). If an establishment provides inadequate accessibility pursuant to one of these acts, this may also be considered discriminatory.



Harassment and sexual harassment

Harassment involves conduct that violates a person's dignity and relates to one or more of the grounds of discrimination.

It may involve comments, gestures or ostracism. Examples of harassment can be a teacher who mocks a pupil because she wears a headscarf or a case officer at a public authority who ridicules a person over their sexual orientation.



Sexual harassment means conduct of a sexual nature that is unwanted by the person who is subjected to it. This may involve groping or unwelcome compliments, invitations or innuendo.

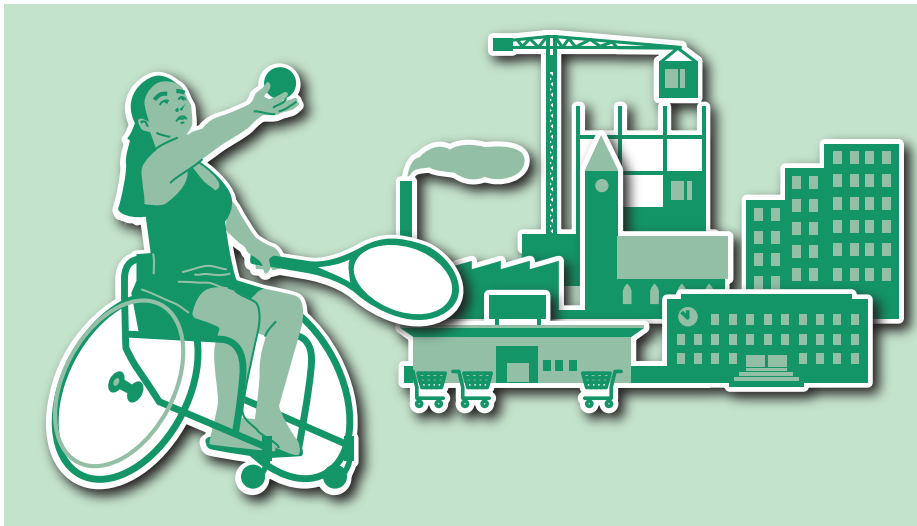


Instruction to discriminate

Instruction to discrimination is when someone orders or instructs someone who is in a dependent position, such as an employee, to discriminate against someone else.

4. The incident must have taken place within one of the areas of society to which the act applies

The ban on discrimination applies within several areas of society, for example in working life, education, employment services, healthcare, social services, social insurance and financial aid for studies, or in the supply of goods and services.



The Discrimination Act is not applicable to all areas

The Discrimination Act does not regulate what happens between individuals in their private life, for example how neighbours or relatives treat one another. Nor is the content of TV, radio, social media, newspapers, magazines and advertising covered by the ban on discrimination. Nevertheless, these areas are covered by other legislation that set limits for what is and is not allowed.

Disadvantaging people who are on parental leave is prohibited

An employee or jobseeker who is, will be or has been on parental leave is protected from being disadvantageded by an employer. This protection also covers temporary parental leave for the care of a child who is ill. Examples of someone being disadvantageded are if they miss out on job opportunities, are reassigned to less rewarding duties or their salary development is impaired.

Active measures to prevent discrimination

The Discrimination Act prohibits discrimination in individual cases but also requires that employers and education providers work with “active measures”. This involves both preventing discrimination against individuals and promoting equal rights and opportunities – irrespective of ground of discrimination. Our website provides more information about how active measures are to be implemented.

Submit information and complaints about discrimination

DO receives information and complaints about discrimination, risks of discrimination and deficiencies in employers’ and education providers’ efforts to prevent discrimination.

Your information or complaint is important to our efforts to tackle discrimination. With the help of the information you provide, we can identify problems within various parts of society where we need to take action in order to drive improvements, provide guidance and increase knowledge about risks of discrimination, or where we need to take action in order to influence legislation.

In other words, we use the information to ensure in various ways that the law is complied with, not primarily to resolve situations for individual people. The information may be included in what is known as a supervisory investigation and, in a limited number of cases, lead to court proceedings.

Only a small proportion of the information and complaints received lead to investigations and decisions. You can submit information and complaints on the DO’s website. The online form is in Swedish, but you can fill the form in any language you want.