THE EQUAL OPPORTUNITIES OMBUDSMAN

A SWEDISH INSTRUMENT TO PROMOTE EQUALITY BETWEEN WOMEN AND MEN ON THE LABOUR MARKET

BY

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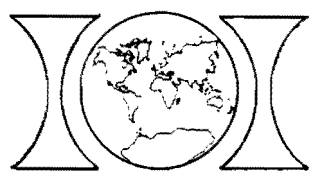

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1 INTRODUCTION

In Sweden, as in many other countries, the legislators have long striven to establish equality between women and men. It has been a protracted process yielding results only gradually. Much remains still to be done. The first major step forward was taken in 1845 when the Swedish Parliament granted women equal rights with men as regards inheritance. Among other, more recent milestones can be mentioned that franchise was extended to women in 1921 and that in 1923 most posts in the public service were opened to women. After World War II there has been a breakthrough, on a broad front, of the principle of equality between women and men.

In the 1970's conditions on the labour market came in the foreground. Over the years the number of women -married or unmarried- who were gainfully employed had increased considerably. In 1967 55% of all women in the ages from 14 to 64 were so employed. Ten years later the percentage had risen to 70. This development was mainly a consequence of tax reforms in the early 1970's which made each member of a family a seperate tax payer as income from employment was concerned. A contributing factor was the expansion of child care facilities. Compared with men, the women however were still lagging behind. In 1977 88% of all men in the above mentioned ages were gainfully employed. Another feature, which attracted considerable attention, was that women generally had lower wages than men. In 1972 the average yearly wages were, for men SEK 40,500 and for women SEK 28,880.(1) Partly the imbalance was due to the fact that women often held part-time jobs. In 1972 about 20% of the female employees worked part-time. Later on the percentage increased considerably as women, hitherto not gainfully employed, entered onto the market. Another, and probably far more important reason for the imbalance was that women usually held inferior positions. Few women had reached executive positions, whether in the public service or in private enterprises. Moreover, the labour market was dichotomized; some jobs were performed almost exclusively by men, other jobs by women only. Women worked mostly as typists, nurses and assistants or cashiers in shops, all low paid jobs. Men dominated in technical jobs which were better paid. More than half the female labour force was employed in the public sector, compared with only a quarter of the male employees. In 1975 75% of the female workers were concentrated in 30 jobs. Of the almost 300 trades and professions listed in the 1975 census more than 200 were dominated by men.

There was a general consensus of opinion in Sweden that something should be done to achieve more equality between women and men on the labour market and to do away with old traditions which reserved some jobs for men and some for women. There was, however, no consensus as to how this goal should be achieved. Trade unions are well established in Sweden and embrace the great majority of wage-earners. Employers, too are organized. Since long, bargaining between the organizations has been the normal way of settling conflicts at work, both in the public and the private sector. While some were in favour of solving the sex related problems on the labour market through legislation, others - representing at first a majority - held that these problems should be dealt with by the organizations and that the legislators should refrain from intervening.

(1) SEK 100 correspond approximately to USD 11.50

In 1970 the Liberal Party, which held only a small minority of the seats in parliament, moved that legislation be introduced to promote equality between women and men on the labour market. The motion was defeated, the majority held that legislation was not the right means to solve these problems. The motion was reintroduced in 1971 and subsequent years but met with no more success. In 1976, however, events took a new turn. With a feeble majority Parliament demanded, first that Government appoint a committee of enquiry with members selected from within the House to investigate problems concerning equality between the sexes in general, and later on that this committee should consider the feasibility of solving the sex related problems on the labour market through legislation. After the General Elections in September 1976, which brought the non-socialist parties into power, the committee commenced its work. It reported in 1978 recommending legislation based on the following main principles

1. It should be illegal for an employer to discriminate against an employee or a job applicant on the ground of her or his sex;

2. Employers should be obliged to take active measures to promote equality between women and men at work; and

3. A special Ombudsman and a Commission should be appointed to monitor the application of the enactment and take steps to enforce it, when necessary.

In the spring of 1979, when a minority Government of Liberals held office, the Government presented to Parliament a bill based essentially on the committee's recommendations. After lengthy discussions Parliament passed that part of the bill which imposed a ban on sex discrimination (point 1. above) but rejected the remaining parts of the bill (points 2. and 3.) The majority wanted to leave it to the unions to take such measures as they chose to promote equality between female and male workers. After General Elections in September 1979 a new coalition was formed by the non-socialist parties and their Government introduced a bill that was similar to the one introduced in the spring. This time the whole bill was passed (with a majority of two!). The enactment came into force on the 1st July 1980 on which day the new Ombudsman (the Equal Opportunities Ombudsman) and the Commission (the Equal Opportunities Commission) opened their offices. The enactment is called, in Swedish "Lagen om jamstalldhet mellan kvinnor och man i arbetslivet". In English it is usually referred to as "The Equal Opportunities Act" or, when a more literal interpretation is preferred "The Act Concerning Equality Between Women and Men at Work".

2. THE EQUAL OPPORTUNITIES ACT, A Brief Presentation.

The aim of the Act, as set out in Section 1,is to promote equality between men and women (1) in resect of employment, conditions of employment and opportunities for development in employment. The Act applies to the entire labour market, both the public and the private sector, and to all types of employment. Its target is the employers or their unions.

(1) The Swedish text puts women "Kvinnor" before men "man", thus following the alphabetical order.

As indicated above, when mention was made of the Committee's report, the Act is based on three principles: 1. a ban on discrimination; 2. an obligation for employers to take active measures to promote equality at work; and 3. special authorities for monitoring and enforcement.

Section 2 lays down the basic rule: an employer shall not discriminate against an employee or a job applicant on the ground of his or her sex.

Section 3 and 4 expound what shall be deemed to denote discrimination on the ground of sex. Under section 3, sex discrcimination exists where an employer, in selection for employment, promotion or training for promotion, chooses one person in preference to another of the opposite sex despite the fact that the disadvantaged person is objectively better qualified for the job or training. However in paragraph 2 of the same section it is laid down that the above rule does not apply where the employer can show that his decision was not based on the person's sex, or that it constituted part of a conscious effort to promote equality at work, or that it was justified having regard to some ideological or other special interest which should not be subordinated to that of equality at work.

Under section 4 discrimination on the ground of sex shall further be considered to exist where an employer:
1. applies to an employee less favourable terms than those applied by an employer to an employee of the opposite sex when they perform work which according to a collective agreement or established practise is to be considered as equal or is equivalent according to an agreed job evaluation, unless the employer can show that any discrepency in the terms is due to differences in the employees' objective qualifications for the job or that such discrepancy is anyway not due to the employees' sex;
2. manages and distributes the work in such a way that one employee is manifestly disadvantaged compared with an employee of the opposite sex, unless the employer can show that such treatment is not due to the employer's sex or that grounds of the nature specified in section 3, paragraph 2, exist; or
3. terminates a contract of employment, transfers, lays off, dismisses an employee or takes any other comparable measure detrimental to an employee if the measure is due to the employee's sex. The provisions laid down in sections 3 and 4 are manditory; they can not be set aside through a contract or a collective agreement. Under section 5 such contract or agreement shall be null and void . In contrast with this, the provisions in section 6, enjoining employers to take active measures to promote equality at work can be superseded by rules laid down in a collective agreement concluded or approved by a central organization of workers. The provisions of section 6 are of such fundamental importance that they should be quoted in their entirety. The section reads:

"Within the framework of the activity the employer shall consciously pursue active efforts to promote equality at work."

To this end the employer shall take such measures as may, having regard to the employer's resources and circumstances in general, be required to ensure that the working conditions are equally suited to women and men. The employer shall also seek to ensure that both sexes apply for job vacancies and promote, by means of training and other appropriate measures, an even distribution between women and men in different types of work and within different categories.

Where the distribution between women and men at a place of work is generally uneven in a certain type of work or within a certain staff category, the employer shall make special efforts when recruiting new staff to attract applications from the underrepresented sex and seek to ensure that the proportion of employees of that sex is gradually increased. The foregoing shall not, however, be applicable if there are special considerations making such measures undesirable or if they connot reasonably be required having regard to the employer's resources and circumstances in general.

An employer who violates any of the provisions now set out incurs the risk of being subjected to sanctions. Where an employee suffers discrimination through a clause in a contract with the employer or through his terminating a contract or his taking of any similar legal act, that clause or act shall be declared invalid if the employee so requests (section 8, paragraph 1.)if the discrimination consists in the employer selecting, as specified in section 3, one or more persons in preference to one or more persons of the opposite sex, the employer shall pay compensation to the person or persons suffering discrimination for the moral injury caused. Where several persons have suffered discrimination, compensation shall be determined as of only one person had been victimized and be divided equally between them (section 8, paragraph 2.)

Finally it is laid down in paragraph 3 of section 8 that where an employee suffers discrimination as specified in section 4, the employer shall pay her or him compensation for the loss sustained and for the moral injury caused by such discrimination - an employer who fails to observe the provisions set out in section 6 (obligation to take active measures to promote equality) may be ordered, under penalty of a fine , to comply with his or her obligations. If an obligation to take active measures towards equality follows from a collective agreement concluded or approved by a central organization, an employer who disregards such obligations, will incur the sanctions prescribed in that agreement or in the special Act on Co-determination at Work.

The Equal Opportunities Act further contains provisions concerning the appointment of the Equal Opportunities Ombudsman and the Equal Opportunities Commission, their duties and powers and the procedure to be followed in cases before them. There are also rules relating to litigation in cases concerning the application of sections 2-5 and 8 of the Act. There are some miscellaneous provisions too.

At the time of writing this paper (November 1984) a governmental bill is pending in Parliament prposing some amendments to the Equal Opportunities Act. Inter alia shall job applicants who believe they have been passed over because of their sex have a right to know the qualifications of the person who got the job.

3. THE EQUAL OPPORTUNITIES OMBUDSMAN and the EQUAL OPPORTUNITIES COMMISSION:

Section 10 of the Equal Opportunities Act prescribes that Government shall appoint an Equal Opportunities Ombudsman and an Equal Opportunities Commission whose task shall be to ensure compliance with the Act. The Ombudsman shall primarily seek to solve problems by means of persuasion but can resort to sanctions if an employer is recalcitrant. The Ombudsman shall further participate generally in the efforts being made to promote equality between women and men at work.

The duties of the Ombudsman are set out in detail in a regulation issued by the Government. Of particular interest is to note that the Ombudsman, in disputes concerning sex discrimination, shall when so requested give appropriate assistance to employees or job applicants who are not represented by a trade union. The assistance may, according to section 11 of the Act and the provisions of the regulation, take the form that the Ombudsman brings an action in the Labour Court on behalf of the victimized person. Such action will be brought if the Ombudsman considers that a judgement would constitute a valuable precedent. There lies no appeal against the judgements delivered by the Labour Court. Two conditions must be fulfilled before the Ombudsman commences litigation. The first is that the disadvantaged person consents to the action. The second condition is that the trade union does not wish to bring the action on behalf of the individual, if she or he is a member. Cases like these are tried under the Litigation in Labour Disputes Act and under this act, trade unions are empowered to litigate without being represented by the Ombudsman or a union (the union having however the right to take over the action). The case will then be tried by a District Court, whose judgement is appealable to the Labour Court.

In the regulation it is further prescribed that the Ombudsman shall, acting on information received or by her own motion, look into cases of non-compliance on the part of an employer with the provisions laid down in section 6 of the Equal Opportunities Act enjoining employers to take active measures to promote equality between women and men at work. As the provisions in section 6 can be superseded by collective agreements, concluded or approved by a central organization of workers, the rule in the regulation does not apply when the employer is bound by such an agreement setting out what measures he should take. In those cases it up to the union to take action if the agreement is not complied with. To facilitate the Ombudsman's investigations it laid down in section 15 of the Act that employers must supply, at the Ombudsman's request, any information on conditions within the enterprise which could be of relevance on this context. In the event of an employer failing to comply with such a request the Ombudsman may impose a conditional fine. As has been already indicated, the Ombudsman is supposed to try to persuade employers to comply voluntarily with the provisions contained in section 6. If an amicable settlement cannot be achieved, the Ombudsman's last resort is to apply to the Equal Opportunities Commission for an injunction enjoining the employer under penalty of a fine to take specific measures. So far the Ombudsman has never applied for an injunction. In an interview in November 1984 the Ombudsman told the author that she had two cases pending where she believed she would have to demand injunctions.

It is laid down in the regulation that the Ombudsman is appointed for a term not exceeding three years. The Ombudsman is assisted by a Deputy Ombudsman, also appointed by the Government, and by a staff. The Deputy Ombudsman takes over when the Ombudsman is on leave or is otherwise unable to discharge her duties. The Ombudsman, moreover, is authorized to leave certain cases or groups of cases to be handled and decided by the Deputy Ombudsman. Such delegation has been practised, although informal discussions between the Ombudsman and the Deputy have preceded all decisions of any importance.

The Equal Opportunities Commission consists of eleven members appointed the Government for a term not exceeding three years (section 10 of the Act and a special regulation issued by the Government). The chairman shall have legal train and experience as a Judge. Six of the members are appointed on the nomination of specified trade unions and other organizations. The remaining four members shall be persons who represent the interests of neither employers nor employees.

The Commissions shall try applications made by the Ombudsman for injunctions enjoining an employer to take measures to promote equality between women and men work. As was mentioned above the Ombudsman has, so far, never made such an application. The Commission has one more task, viz. to entertain appeals against any order issued by the Ombudsman to an employer, under penalty of a fine, to supply information on conditions within the enterprise concerned. No such order has, however, been issued consequently there have been no appeals to entertain. In other words, the Commission has had nothing to do since it was established.

THE WORK PERFORMED BY THE EQUAL OPPORTUNITIES OMBUDSMAN.

The Equal Opportunities Ombudsman, Mrs. Inga-Britt Toernell, opened her office on 1st. July 1980. She was previously a Judge in the District Court for Stockholm and Deputy Chairman of the special Housing Court. She was in 1983 reappointed for a second term as Ombudsman.

In September 1983 the Ombudsman published a report accounting for the work accomplished by her office in the first three years. The office had since its inception received 319 complaints about sex discrimination against employees or job applicants. About 80% of these complaints concerned the public sector (the state, the county councils and the municipalities). Most complaints were made by women, only about 13% the complaints were made by men.

When an employer neglects his duty, set out in section 6 of the Equal Opportunities Act, to take active measures to promote equality at work, the Ombudsman is not restricted to wait for a complaint being made; she can take action on her own motion. The number of files opened pertaining to such neglect amounted, in the first three years, to 232. About 200 of these cases were initiated through complaints, the remainder were taken up by the Ombudsman on her own motion, usually as a result of observations made by her in the course of investigating a complaint about discrimination. Unlike the cases concerning alleged sex discrimination, most of the cases about shortcomings in active work for equality related to the private sector of the labour market.

Besides the cases now mentioned there was in the first three years a total of 1,356 miscellaneous cases. Many of these were complaints about matters beyond the Ombudsman's jurisdiction. There further a fair amount of enquiries. Letters inviting the Ombudsman to address meetings of some kind or to speak at a seminar were also included. Mention should also be made of the Press releases issued by the Ombudsman.

Much time was devoted initially to the spreading of information about the Equal Opportunities Act and the Ombudsman's role. The office received right from the beginning, a stream of visitors both from Sweden and from abroad. The visitors were students, gathering materials for articles, research workers, politicians, journalists etc. The Ombudsman and her staff participated in a great many conferences and similar activities in Sweden, on altogether 256 occasions during the first three years. A pamphlet about the office was distributed in 400,000 copies. Further information was provided to schools and study circles. The Ombudsman and her Deputy appeared on TV and on the radio. Press conferences were a regular feature in the work of the office. On several occasions the Ombudsman visited other Scandinavian countries and disseminated information about her office. She also paid visits to Great Britain, U.S.A. and Canada.

In 1984 the Ombudsman commenced to publish a quarterly journal "Jamsides"(Side by Side), containing news from her office, reports on cases where the Labour Court has applied the Equal Opportunities Act and other information . The journal also provides news from the Ministry of Labour and from some of its subordinate agencies.

The staff assisting the Ombudsman and the Deputy Ombudsman consisted originally of only three persons, one of whom working half-time. Today the number has increased to five, all working full-time. The budget for the fiscal year 1st. July 1984 to 30 June 1985 amounts to SEK 1,959,000.

The report on the work accomplished in the first three years further accounts for the Ombudsman's methods of investigating.

Complaints about sex discrimination must be made in writing and be signed by the complainant personally. Upon receipt of a complaint the Ombudsman . will first examine whether the facts, as stated would come under her jurisdiction . If so, the next step is to make sure that the time-limits set for the Omubudsman's or the respective trade union's right to take action have not expired.(The time-limits vary, particularly those which are laid down in collective agreements Actions for compensation under section 8, paragraph 2, must be brought within six months of the discriminatory Act with a possible extention of one month in special circumstances). The Ombudsman will then find out whether the complainant is a member of a union and if the union is ready to support the complainant. If so, the Ombudsman will leave the matter to the union. Usually the Ombudsman requests the union to inform her about any action taken. It happens that the union will negotiate with the employer but is not willing to take the conflict, if unsettled, to Court. If a question of principle is at stake and the and the time-limit has not expired the Ombudsman may then open the case again and resort to litigation in the Labour Court. If the complainant is not a union member or is not supported by her or his union the Ombudsman will normally launch an investigation.

It is, by the way, not unusual that the union refrains from supporting a complainant, particularly so when the case is about appointment or promotion. People who compete for a vacant job often belong to the same union and if so the union will find it difficult to support one member to the detriment of another.

The Ombudsman's investigation will normally comprise hearings and discussions with the complainant, the employer, and the union concerned. The opinion of outside experts are often sought by the Ombudsman, for instance on how to evaluate the qualifications or different job applicants or- in cases of alleged discrimination in determining remuneration for work performed - on how to interpret the terms of a collective agreement. When the investigation shows that discrimination has occured the Ombudsman's first effort is to bring about an amicable settlement. On many occasions the employer has agreed to pay compensation to the complainant or to offer her or him another job on equal terms. In addition, the employer has in several cases promised to revise his policies as regards recruitment or to provide locker-rooms for each of the sexes etc. In cases where an amicable settlement has not been reached and where the Ombudsman has found that a Court judgement would be of value to clarify questions of principle the Ombudsman has initiated litigation in the Labour Court.

During the first three years this happened 17 times. Six of the cases were tried by the Court, which found for the Ombudsman in four of them and dismissed her action in two cases. Five cases were settled out of Court, while three were withdrawn since the complainant had got the appointment at issue through appeal.In one case the Ombudsman withdrew, while the complainant went on with her action alone. Two cases were still pending at the end of the three years' period.

The investigation in cases concerning an employer's neglect to take active measures to promote equality between women and men at work is usually commenced by an exchange of notes. The Ombudsman informs the employer of the rules contained in sections 6 and 7 of the Equal Opportunities Act and asks him if he is bound by any collective agreement about equality at work and, if so, with which trade union the agreement was concluded. If the answer is that the employer is in fact bound by such an agreement (about 25% of the answers are of that content) the Ombudsman will transmit the complaint to the union concerned with a request that the Ombudsman be notified of any action taken. If no collective agreement exists the Ombudsman will demand information about the number of employees in the enterprise, and how many of them are men and how many are women, what positions the respective groups occupy etc. If the information provided indicates that equality at work is not actively pursued by the employer the Ombudsman will proceed with her investigation. In most cases, so far, the problems have been solved through correspondence. In some instances the Ombudsman has visited the workplace concerned and examined conditions there. She has also discussed the problems with the employer and with the union representatives. The aim of the Ombudsman is constantly to bring about a voluntary agreement with the employer laying down how equality at work shall be achieved in the future. The Ombudsman's efforts have been so successful that she, during the first three years, never had to apply to the Equal Opportunities Commission for an injunction to an employer to take specific measures to promote equality between the sexes. The outcome of the Ombudsman's interventions has often been that the employer, on co-operation with the employees, draws up a plan setting out what measures should be taken in the year to come.

The Ombudsman can provide a model plan which includes a number of measures, among others recruitment of women to jobs hitherto usually performed by men or vice versa (the aim being that each sex should be represented by at least 40% of the employees on each level), providing separate locker-rooms for women and for men as well as suitable tools and protective clothing, fixing the hours of work soas to make it possible for employees to look after their children etc. The Ombudsman normally requests that a copy of the plan be sent to her and she will follow the course of events in the enterprise.

In her report on the work and activities of her office in the first three years the Ombudsman gave an account of a number of cases handled by her. The case-notes are presented in two chapters, one comprising cases about alleged violation of the ban on sex discrimination and one concerning the employer's duty to take active measures to promote equality between women and men at work.

Particularly in the early years most complaints were about unjust treatment of job applicants. When an employer chooses one applicant in preference to another of the opposite sex despite the fact that the latter is objectively better qualified for the job, the presumption, under section 3, paragraph 1 of the Act, is that the decision was based on the repective applicants' sex. If the employer cannot show that his decision was not founded on the person's sex or that there were acceptable reasons for his decision (as set out in paragraph 2 of the same section) he will be found guilty of sex discrimination and held liable to pay damages to the disadvantaged person.

A few of the case-notes deal with such direct sex discrimination. Some examples:

THE CASE OF THE WOULD-BE "GARBAGE-MAN"

A 23- year-old woman who had been previously employed in long-term nursing, applied for a temporary summer job as "garbage-man" with a municipality. When she called at the responsible department to apply for the job, the management said they were very doubtful as to whether she would be equal to the strain of the job. The manager said," Modelling is more in your line". She was also told there was no changing room for female employees and that the union opposed recruitment of women. It was agreed, however, that the woman should be allowed to give the job a try for half a day.

When she failed to get the job although her half day had gone well, the woman reported the municipality for sex discrimination and supplied the particulars quoted above concerning what had happened. Following an investigation at the workplace, the Ombudsman held discussions with the municipality. The municipal authorities denied sex discrimination on the grounds that there had been no vacancy when the woman applied for work. They also alleged that the woman had not been equal to the work on her half-day and that in their experience women had done very badly in this kind of work. The Ombudsman pointed out among other things that the men with whom the woman had worked on her trial run reported that she had coped with the work adequately, and the municipality was therefore offered a settlement whereby the woman was to receive SEK 15,000 damages. No agreement could be reached, however, and so the Ombudsman brought an action against the municipality in the Labour Court.

In the proceedings the Ombudsman alleged that probationary employment had existed and had only been discontinued because the department was unwilling to employ women as "garbage-men". As the secondary course, the Ombudsman alleged that the woman's objective qualifications for the work were better than those of any of the men who had been hired as temporary summer employees. SEK 20,000 was claimed in the form of damages for sex discrimination.

The municipality contested liability for sex discrimination. Following the preliminary hearing before the Labour Court, the municipality changed its mind and concluded a settlement out of court with the Ombudsman, to the effect that the woman would receive SEK 14,000 damages for sex discrimination. In addition the municipality promised to review its routines for recruiting garbage-men and to rectify the deficiency where changing rooms were concerned. It was also agreed that a special equal opportunities group was to be set up in the department concerned.

THE CRANE DRIVER IN GOTHENBURG: an important seaport in Sweden.

A 40 year old woman had been employed as an extra crane driver in the port of Gothenburg since 1965. As such she had to go on duty at weekends, during holidays and sometimes in the evenings. She was very fond of her work and had tried several times to obtain a permanent job in the port. In the end she became exasperated and wrote to the Ombudsman:" They have always given different reasons for not letting me have a permanent job. On one occasion they said there was no changing room for women. When I applied three years ago I was too old. The average age of crane drivers was to be reduced, and they wanted young men. On the last occasion, in January 1981 the Port Authority wanted six crane drivers for the main dock, and engineering training counted as a qualification. I have trained on all cranes on the main docks but now they wanted men who could carry out maintenance work on the cranes. There are special personnel employed for this job. The Port Authority has had to train new people every time for crane operating. I am trained already. When I started in 1965 we were eleven women, but now I am the only one still there and I am still trying to get a permanent job."

The Ombudsman got in touch with the woman's union for a joint investigation of the matter.

In the course of deliberations with the Port Authority, the Authority argued that it had been unwilling to give the woman a permanent job because she was not thought to have the requisite workshop experience. It was attested, however, that the woman was a very skillful crane driver. The Authority also said that the objective of reducung the average age of the crane drivers played some part. In other words, the woman was too old.

The Ombudsman and the union notified the Port Authority that in their opinion the woman was just as well qualified for the job as certain men who had been put on regular strength and that there was reason to fear that her failure to obtain a permanent job was due to her being a woman. They demanded that the woman be put on the permanent crane-driving strength without delay. These negotiations resulted in the woman being taken on by the Port Authority as the first permanent woman crane driver in the Gothenburg docks.

THE LEGAL SECRETARY

A 25 year old woman worked for nine months as a secretary with a firm of lawyers in Stockholm. For the first three months she was employed on a temporary basis and for the remaining six months she was a probationer. Before her appointment expired, the employer told her that it would not be renewed. He referred to her "fertile age" but explained that she would be welcome back to the form "when you've your family".

Replying to an inquiry by the Ombudsman, the woman's union said it intended to represent her in the dispute.

The union called for proceedings concerning a breach of both the Security of Employment Act (under which the appointments of limited duration were illegal) and the Equal Opportunities Act. The dispte was settled out of court and the firm of lawyers paid the woman SEK 16,000 damages.

THE HOTEL CLEANER

This case is about a male job seeker who was turned down because of his sex.

A man told me the following story in a report to the Ombudsman. " On 21st. April 1982 I phoned Hotel Oergryte to apply for a cleaning job they had advertised. I spoke to a Mr. H. who asked me if I wanted the job myself. I said I did, and he replied: "We only want women ". He then hung up.

The man did not belong to a trade union. The Ombudsman phoned Mr. H., who was very accomidating because he believed she was applying for the job herself! When he realized that the Ombudsman was phoning on behalf of the man, he said that the hotel had only changing facilities for women staff and so the man could not possibly be given the job.

In a written report requested by the Ombudsman, the hotel said that a woman had been given the vacant job and that they now had a total of six female cleaners.

The complainant subsequently informed the Ombudsman that he had obtained another job and no longer wished the matter pressed on his behalf.

Since the hotel company was bound by an equal opportunities agreement vis a vis the Hotel and Restaurant Employee's Union, the Ombudsman referred the matter to the Union for possible action. The union called for negotiations on the subject and obtained SEK 3,500 damages for a breach of the equal opportunities agreement.

When sex discrimination is alleged it must be clearly established that the "disadvantaged person" really had better qualifications for the job than the person that was selected. In some of the cases this question has been highly controversial.

One example:
THE FIRST AMS CASE:

In January 1981 the National Labour Market Board(AMS) advertised for a manager to take charge of the Oestersund District Employment Office. In the advertisement, the appointment was accompanied by a symbol indicating that women were underrepresented in this type of work with the AMS. The applicants included Astrid and Bror, womam and man respectively, and on the 12th. March 1982 AMS awarded the appointment to Bror.

Following a report from Astrid, the Ombudsman filed proceedings with the Labour Court, arguing that Astrid was the superior of the two applicants in terms of both training and professional experience. In particular the Ombudsman drew attention to the fact that Astrid had had experience of the various fields of placement, vocational rehabilitation and vocational counselling, whereas Bror's previous duties had been solely concerned with placement. Furthermore, the Ombudsman submitted that Bror could not be considered at all suitable for the appointment, since on several previous occasions he had acted offensively and obstructively towards female staff, and he had also disrupted various conferences which he had visited in the course of his duties.

The Labour Court came to the conclusion that the applicants were equally qualified in terms of training and education, and that although Astrid had had wider experience of various fields, Bror was more qualified in terms of professional experience because he had held a supervisory appointment for a greater length of time and at a superior level.

Fifteen witnesses were called during the proceedings. The Labour Court was not satisfied that Bror was in the habit of behaving improperly towards female staff or that he had been unduly aggressive or offensive.

The Ombudsman had particularily stressed Bror's reprehensible behavior during a trainee course on which he had served as a teacher. The participants had requested the organizers of the course to withdraw Bror because he had acted in a threatening, aggressive manner and treated female participants in a way that they found insulting and degrading. Seventeen of the participants had signed a letter to the Oestersund Chief Employment Officer complaining about conditions during the course. The Labour Court found that Bror "had been unable to restrain himself", and that his behavior "had not been altogether above reproach", but it did not feel that his behavior was symptomatic of a general lack of personal suitability. In the Court's opinion, Bror's sense of judgement had only been at fault on isolated occasions.

In short, the Labour Court decided that Bror was no less qualified than Astrid, so the Ombudsman lost the case.

If it is established that the applicant who did not get the job had in fact better qualifications than the person selected, the employer can still vindicate himself by proving that the decision was not founded on the applicants sex. This is difficult to prove, the presumption being that the decision was based on sex considerations and this presumption is not easily set aside as can be inferred from judgements pronounced by the Labour Court. The burden of proof lies on the employer and he must show some plausible reason- other than the applicant's sex- for his decision. A case where the employer secceeded in proving that other reasons than the sex issue had motivated his decision is the following.

THE SECOND AMS CASE:

In the spring of 1982, the Vaexjoe Employability Assessment Institute advertised for an assistant. The applicants included Johan and Anita (man and woman respectively). The county employment board appointed Anita, and following appeal proceedings the appointment was confirmed by the National Labour Market Board (AMS). Institutes of this kind provide assistance and training for intellectually handicapped jobseekers. The duties of an assistant as advertised for include training jobseekers for daily living.

In the proceedings against AMS, which represented the state in this dispute, the Ombudsman argued that Johan was the superior applicant in terms of seniority, training and professional experience. He had been a state employee for over four years, as against Anita's two. In addition to upper secondary school and university, he had received military personnel welfare training and had attended several courses on social policy, family policy and other subjects. The Ombudsman maintained that the applicants' professional experience must be taken to include not only experience of working as an assistant of the kind now concerned - Anita had held the appointment on a temporary basis for two years - but also comparable experience of personnel welfare and rehabilitation. Among other things. Johan had spent more than a year working as a personnel officer with the United Nations.

Taking into account all the various points at issue, the Labour Court found that Johan's qualifications were definitely superior to Anita's. It then remained for the Court to decide whether AMS had established that decision to appoint Anita was not based on considerations of the sex of either applicant. AMS maintained that the decision to appoint Anita had been prompted by the fact that without the appointment she would have been put out of work.

The Ombudsman, on the other hand, argued that in making its decision the county employment board had been bound by the provisions of the Constitution concerning objective grounds for the filling of state appointments and that the risk of future unemployment could not be said to constitute objective grounds in this respect.

The Labour Court, however, did not feel that the question of the compatibility of the decision with the Constitution had any direct bearing on the case:

"---the crucial point is whether the employer can establish that he has not been influenced by the sex of any person concerned. It is not for this Court to decide whether this appointment was constitutional. The Court has to consider whether the employer has been guilty of sex discrimination. As has already been made clear, the Court finds that considerable weight must have been attached to the employment consideration in favour of awarding the appointment to Anita."

Thus the Labour Court found it established that the decision to appoint Anita had been prompted by the risk of unemployment and not by the sex of either applicant, and it therefore dismissed the Ombudsman's claim.

The fact that the employer bases his selection of the applicant on her or his sex does not necessarily imply that the employer is guilty of sex discrimination in the pejorative sense of the word. If the selection constituted part of a conscious effort to promote equality at work, it is on the contrary considered commendable. As has been mentioned above the Ombudsman encourages employers to adopt plans for the promotion of equality between women and men and such a plan may contain provisions of the content that when recruiting employees for certain jobs, usually performed, say, by men, a priority should be given to female applicants even when their qualifications are not quite so good as those of male applicants. Such preferential treatment is allowed when it is laid down in an approved plan. One example:

THE DRUG REHABILITATION ASSISTANT:

The Gothenburg hospital management authorities recruited a male mental nurse for a 4 month temporary appointment at a treatment centre for drug abusers. A woman who was a qualified senior attendant reported the hospital management authorities to the Ombudsman for sex discrimination, the superintendent of the treatment centre having told her that they particularly wanted a male attendant. In her report the woman said that she had had more training and longer experience of drug rehabilitation than the man who had been given the job. Between 1976 and 1982 she had deputised on several occasions as leading attendant at the treatment centre. She had told the superintendent that she was interested in a temporary appointment, and that she felt she should have been given the job because she was definitely better qualified than the man. Her report also stated that there was no equal opportunities plan for the staff at the treatment centre. For this reason she maintained that the possibility of preferential treatment was ruled out by the absense of planned measures as stipulated by the Equal Opportunities Act.

During the discussions with the Ombudsman, the hospital management authorities said that temporary appointments of less than six months' duration were not advertised and were filled without any appraisal of credentials and often at short notice. They said that basically the only stipulation for short-term temporary appointments was that the temporary employee should have the requisite qualifications for the job. In this particular case the man, unlike the woman, had held a temporary employment at the treatment centre for some considerable time so the most practical arrangement had been to give him the temporary appointment so that he could stay on at the work place. In addition, the treatment centre had the objective of enabling both men and women to serve together on each shift, for the sake of the patients. All the attendants at the centre were women and the lack of male attendants was a problem.Admittedly there was no written plan for preferential treatment at the centre, but the authorities referred to the equal opportunities promotion guidelines that had been adopted by the municipality of Gothenburg.

Those guidelines lay down that the desirability of a more equal balance between the sexes must be taken into account in the recruitment context.Accordingly, when choosing between equally qualified applicants, preference can be given to the underrepresented sex. The discussions ended with the hospital management authorities undertaking to ensure that the woman was offered other temporary drug rehabilitation appointments as soon as possible.

As regards the stipulation of planning as a prerequisite for preferential treatment the Ombudsman said that the hospital management authorities should draw up a more detailed plan for the active promotion of equal opportunities and that a reference to the general equality promotion guidelines adopted by the municipality could not be considered sufficient.

The question as to whether sex discrimination had occured hinged on the evaluation of qualifications. The Ombudsman found it doubtful whether the woman in this case had been incorrectly passed over. The Ombudsman also took the view that the offer made to the woman of new temporary appointments should at all events be approved. The woman herself did not share this view and preferred to sue the employer in the District Court for sex discrimination.

The employer is further allowed to base his selection on the applicant's sex if there is some overriding ideological or other special interest that justifies the selection. In the preparatory work to the Act it was said that it should be permissible to reserve male roles in a play to male actors and that manequins could be selected from women only. The problems can be more complicated than so as demonstrated by the following case note.

THE PUBLIC BATHS MANAGER

Male staff at a municipal baths complained about not being allowed to work in the Roman baths department when it was open to ladies. The permanent staff in the department consisted entirely of women. The complainants felt that, like their female colleagues, they should be allowed to work when extra staff was needed. The men felt that they were the victims of discrimination and said that this procedure deprived them of extra earnings. The Ombudsman requested a statement from the municipal authority concerned, which said that a number of ladies visiting the Roman bath would strongly disapprove of male attendants and this fact was taken into consideration when selecting staff.

The Ombudsman did not feel that the men concerned had suffered discrimination on the ground of their sex. This was partly for the following reasons:

Some of the ladies visiting the public baths probably have the attitude to male staff which the municipal authority, on the strength of previous experience, alleges them to have. The question then is whether, having due regard to the provisions of the Equal Opportunities Act, the authority can be considered justified in taking these women's attitude into account when detailing staff. In the Ombudsman's opinion the following viewpoints should be borne in mind.

A public bath is to be regarded as an amenity which as many municipal residents as possible should be able to use. If the municipal authority is justified in claiming that the employment of male attendants in the ladies' department would lead to a decline in the number of visitors, then the Ombudsman feels it is compatible with the Equal Opportunities Act for this to be taken into consideration when allocating duties.

Complaints about discrimination that takes the form that women receive lower pay for jobs that are equal with those performed by better paid men (section 4 point 1. in the Act) have gradually become more frequent. A typical example:

THE ANZA CASE

A woman employee at Anza AB, a company manufacturing paint brushes and rollers, reported that most of the skilled women workers at the company were being paid less than their skilled male colleagues. In her report to the Ombudsman the woman said the local trade union regarded the rates of pay as discriminatory and had for several years been campaigning for equal rates of pay, though the company refused to do anything about it. The Ombudsman wrote to the national union organization, asking whether it wished to exercise its right of representing its members in a pay discrimination dispute. The union replied that six out of ten skilled women workers employed by the company were being paid SEK 1:50 less per hour than their skilled male colleagues, but that it was hard to establish that the differentials were dictated by sex, because men and women employed by the company had different duties.

The Ombudsman paid two visits to the company to investigate the work done there. During the second of these visits discussions were held with the management. These were also attended by representatives of the employers' association and the workers' union. In the course of these discussions, the Ombudsman and the management agreed that four skilled women workers should be paid an additional SEK 1:50 per hour and that this increase was not to be taken out of the local kitty. The possibility was then discussed of improving the pay of three more women. Two of them obtained the pay improvement requested when a new system of wage classification was established as a result of local pay negotiations. During the negotiations, the union supported the Ombudsman's demand for equal rates of pay for the skilled women workers. The Ombudsman argued that they were doing work which could be equated with the mens'. Formally speaking, the dispute was settled by the employer with the union and not with the Ombudsman. If an acceptable agreement had not been reached, the Ombudsman would probably have sued the company in the Labour Court for pay discrimination.

Another form of discrimination, dealt with in section 4 point 2 of the Act, is when the employer manages and distributes the work in such a way that one employee is manifestly disadvantaged compared with an employee of the opposite sex. Two of the case-notes deal with such situations.

THE WELDER

The local trade union at a company reported that a woman welder was receiving a lower hourly rate than her male colleagues in the same group. The report also said that the woman concerned did not feel she had been given the same chance as the men of showing what she was capable of. She had also objected to being made to serve in the company dining room and as a cleaner when there was a shortage of labour. The woman endorsed the report of the local trade union; this was essential in order for the Ombudsman to intervene.

The report said that the woman was being paid SEK 29:50 per hour, while male welders in the same group were receiving SEK 34:50.

Discussions with the company revealed that the woman had been transferred the previous year to a lower group, since her previous classification was considered inappropriate. The reason was that she did not satisfy the qualifications laid down by the collective agreement for the superior group, viz.three years' work experience. For this reason, the company maintained, the woman could not be compared with the other welders in her group.

The company went on to say that rates of pay were determined not only by group membership but also by the diligence and skill of the individual employee. The company felt unable to pay the woman the same rate as the male welders until she passed a welding test in keeping with the relevant steel construction specifications.

The investigation revealed that during her time with the company the woman had been almost exclusively employed on a spot-welding machine. This was a monotonous and relatively easy job given to newly hired welders. If, like her male colleagues, the woman had been given a chance of trying her hand at other welding operations, she would probably have passed the test. This in turn would have resulted in-or at least justified- a higher hourly rate. The Ombudsman therefore concluded that something would have to done to break the vicious circle the woman was caught in.

The Ombudsman concluded an agreement with the company whereby the woman was to receive, under the foreman's supervision, the requisite training to get her through the welding test when the next opportunity arose. The company also promised to ensure that she was instructed as rapidly as possible in the use of other machinery besides spot-welding equipment. Finally, under a special settlement with the local trade union, the woman received SEK 1,352 retroactive pay to make up for points of uncertainty concerning her job classification.

It was made clear in the case-note that the Ombudsman did not find that there had been any pay discrimination as defined in section 4 (1) of the Equal Opportunities Act. On the other hand the Ombudsman found that the company was in breach of section 4 (2) of the Act because it had subjected the woman to unfavourable treatment in the direction and distribution of work. In other words, she had not enjoyed the same opportunities of development as her male colleagues.

THE MILITARY CASE

The issue at stake was whether the employer had treated two female employees unfavourably in the direction and distribution of work by introducing a new job description.

Kerstin and Svea (both women) had been employed since 1944 as typists by the Home Guard department of a defence establishment.

The regimental commander revised their job description in such a way that Kerstin and Svea were deprived of their qualified clerical duties, which were transferred to warrant officers instead.

The Ombudsman filed proceedings with the Labour Court, alleging that the regimental commander's decision amounted to unfavourable treatment on grounds of sex as defined in section 4 (3) or (2) of the Equal Opportunities Act.

The state denied sex discrimination and submitted that the organizational change was prompted by considerations of efficiency.

The Court, in its judgment, had to decide whether Kerstin and Svea had been subjected to obviously unfavourable treatment by comparison with employees of the opposite sex. The criteria on this point was defined by the Court as follows:

1. The employer must have distinguished between man and woman in a discreditable manner, i.e. treated an employee unfairly by comparison with employees of the opposite sex.

2. The employer's action must be of some considerable importance from an employee's viewpoint. In other words, the action must not be of a trivial nature.

The Court did find that Kerstin and Svea had been unfairly treated in comparison to the warrant officers, that the regimental commander's decision amounted to a direct amendment of their conditions of service and that the State had failed to establish that the change had been made for reasons of efficiency.

Kerstin and Svea were each awarded SEK 10,000 damages against the State.

According to section 5 of the Act any contract or agreement providing for different treatment of women and men in respect of terms of employment or in any other way permitting discrimination on the ground of sex within the meaning of sections 3 and 4 shall be null and void. This applies also to contracts and agreements entered into before 1 July 1980 when the Act came into force with an exeption for agreements about pension rights which shall be applicable for the time being notwithstanding section 5. Any new agreement must however be consistent with the provisions of the Act and the Ombudsman has expressed the opinion that it is not permissible just to prolong an older agreement which does not meet the requirements of the Act.

A case concerning the application of section 5 is the following:

COMPENSATION FOR PARENTAL LEAVE

At the relevant time the agreement between the Union of Commercial Employees (HTF) and the County Council Purchasing Centre (LIC) contained provisions concerning maternity pay for female salaried workers having leave of absense on account of pregnancy or childbirth. The collective agreement provided that maternity pay was to be received as from the first weekday of leave and was to comprise seven monthly salary payments subject to a sickness deduction.

A male salaried worker employed at LIC who had been on parental leave claimed benefits corresponding to maternity pay for loss of earnings during his parental leave. This claim was not taken seriously, and so he filed a sex discrimination report with the Ombudsman.

The Ombudsman got in touch with the parties to the collective agreement, i.e. HTF and LIC, suggesting that the dispute be settled by introducing sexually neutral provisions in the collective agreement concerning parental leave. The parties were in favour of the change, but first an estimate would have to be made of the cost of extending these rights to apply to men. After about two months' inquiries and negotiations, the parties concluded an agreement for up to seven months' parental pay. The new rules, effective from 1st January 1983, confer identical benefits on male and female salaried employees.

In the case reported to the Ombudsman, the company undertook to pay benefits as if the new agreement had already been in force when the man concerned was on parental leave.

As already indicated the second set of case-notes pertains to the employer's duty to take active measures to promote equality between women and men at work. The number of such cases has increased from year to year as people have got more information about the Act and on the Ombudsman's role. The majority of the cases taken up by the Ombudsman, or 189, pertained to private enterprises, while 44 cases concerned state agencies and 9 municipal authorities. Larger enterprises are usually bound by collective agreements about measures to be taken to promote equality at work between women and men. It is the unions' task to oversee that such agreements are complied with. The Ombudsman's role is largely restricted to bringing any negligences on the employer's part to the respective union's attention. Even whenthe ultimate responsibility rests with the union the Ombudsman sometimes takes some preliminary action. The following case-note will illustrate this policy.

THE SHOP

One report relating to a company having a collective agreement on the subject of equal opportunities concerned a food supermarket with about 50 employees. The Ombudsman received the report from a group of upper secondary school students. It concerned an advertisement for a "wide-awake,alert young man" to help in the shop.

After some correspondence, the Ombudsman visited the supermarket to investigate the requirements entailed by the job. The management defended the advertisement on the grounds that the job involved unloading heavy goods and working in the milk refrigeration plant. The latter task was considered unsuitable for women for medical reasons.

Following the visit, the Ombudsman wrote to the company suggesting a job rotation system to make it easier for women to work in the milk refrigeration plant and to unload goods. Instead of a single person being permanently detailed to unload goods and replenish the milk refrigeration plant, these duties could be made to rotate on an organized basis between all employees, for example with each person working in the milk refrigeration plant for a certain number of hours every week and similarly with regard to unloading. Both women and men could benefit from a system of this kind, which would also make the company less vulnerable,for example, in the event of sickness absence.

Since the company had an equal opportunities agreement with the Commercial Employees ' Union , the matter was referred to the Union. The Union wrote to the shop, pointing out that the advertisement was contrary to the agreement and stating that action would be taken if this type of advertisement was repeated.

Among the cases where the Ombudsman has played a more active role the following two may be cited.

THE SPORTS ARENA

The Ombudsman visited the Scandinavian Sports and Cultural Arena in Gothenburg following a report from a female caretaker that female and male caretaking staff were being allocated different duties and that women were not being allowed to work as often as men. In the discussions which ensued, the management stated that duties were divided between women and men in proportion to their numbers. The management also referred to an agreement with the police to the effect that caretakers must have security staff training. However, the management had not ascertained how many of the female employees had undergone this type of training.

The Ombudsman's deliberations with the management resulted in a special advertisement being issued for qualified female security staff, in a review of the qualifications of existing staff, in the compilation of a joint duty roster for women and men, in women being offered more job opportunities than before and in all duties being more equally divided between women and men.

THE BUS COMPANY

Following a report that a bus company in the County of Kopparberg was not recruiting women bus drivers, the Ombudsman visited a regional office of the company's to see how equality between women and men was being promoted.

It transpired that only about 10% of the drivers were women and that no women were employed in the workshops at all. The company said that women bus drivers and mechanics were hard to recruit because the employment service almost invaribly referred men.

The Ombudsman contacted the county employment board to investigate its possibilities of referring suitably trained female applicants whenever the company reported that new workers were needed.

As a result of the deliberations between the Ombudsman, the bus company and the county employment board the company drew up recruitment plans for the next few years which were submitted to the Ombudsman and the county employment board. The company further undertook to give the employment office good notice of future recruitment needs. The county employment board for its part promised to make sure that there were trained women who could be referred to the vacancies.

The Ombudsman estimates that, as a result of this initiative, some 700 jobless women can obtain employment at workplaces where men have previously dominated.

Besides dealing with complaints pertaining to conditions in individual enterprises the Ombudsman has carrioed out some major investigations covering whole branches of the market. One of these investigations was aimed at the electronic computer industry. The case-note accounting for this investigation covers several pages.

COMPUTER TECHNOLOGY

Already during the first year the Ombudsman received several reports of deficiencies in the promotion of equality between women and men in companies providing computer equipment and information services. The Ombudsman therefore decided to investigate the balance of the sexes in various occupations within such enterprises and the consideration given to equality between women and men in connection with the computerisation of various office routines. Two hearings were held together with representatives of suppliers and purchasers of computer systems, representatives of end-users and union representatives from companies and public authorities which had computerised their operations. In addition, a questionnaire survey was conducted concerning the allocation of duties between the sexes in about 600 enterprises concerned with office information etc., and also of the steps being taken in these companies to promote equality betwee women and men. The results, summarized in a report entitled "Office automation and equality between women and men", were rather discouraging. The balance between the sexes in various computer technology occupations is as uneven as in technical occupations elsewhere in the labour market, even though computer technology is a new sector and despite the low average age of its employees.

In the companies investigated women comprised 94% of punch operators, 15.3% of systems engineers/programmers and 19.7% of operator/service staff. They also comprised 11.3% of sales staff and a mere 2% of technical personnel.

Despite this heavy sex bias and although a quarter of the companies had signed equal opportunitiesagreements, only 7% of them were pursuing equal opportunities on a planned basis.

The report also shows that no special consideration has been paid to equality between women and men in connection with computerisation. Employers have assumed that the new techniques will provide new and more interesting duties for their employees. In fact women's duties have often become more monotonous and less qualified as a result. The interesting portion of women's work has been taken over by highly qualified men.

The report suggests ways in which companies can take equality between women and men into account when introducing new techniques and ways in which companies living on computer technology should promote equality between the sexes. The Ombudsman writes that it is very important for companies selling hardware, systems, training and services connected with the new technology and thereby indirectly influencing the personnel policy of other enterprises to live up to the principle of a fairer balance between the sexes in various occupations at individual workplaces.

In the report the Ombudsman suggests that trade organizations should encourage affiliated companies to organize special campaigns to recruit women for occupations where men predominate and vice versa. These organizations can also supply their members with advice and recommendations on how to take equality between women and men into account in connection with office automation; they can set a positive example and they can arrange training for the employees of affiliated companies.

The Ombudsman suggests that the following measures should be taken within companies manufacturing and selling new technology:

A review should be conducted of the balance between the sexes in various occupational categories at the work-place.

A plan should be drawn up stating specific objectives of the change in categories where there is sexual bias, both for the long term and for the coming year, specifying the exact measures to be taken: (e.g.)

1. Specific vacancy advertisements such as: "Woman sales representative wanted".
2. Priority for applicants from the underrepresented sex in connection with recruitment and promotion (preferential treatment).
3. Changes of jobs, job rotation
4. Further training for personnnel with routine duties.
5. Managerial/supervisory training with elements of sex equality.
6. Information to all employees concerning sex equality.

The measures taken should be checked in relation to the agreed plans once every year.

The Ombudsman goes on to suggest the following points to be observed by companies installing new technology in connection with reorganization and rationalisation:

Continuous and readily available information should be supplied to all employees (in a language which is suitable for the recipients) concerning new technical developments and the progress of plans for the introduction of new office techniques in the company.

Special information on aspects of equality between women and men should be supplied to decision makers, supervisory staff, technical staff and systems experts. Among other things this information should deal with the requirements imposed by the Equal Opportunities Act and collective agreements on employers concerning equality between men women and men, personnel questions and the impact of rationalization and computerization on the community.

A special project group (or steering group) should be appointed, preferably comprising equal numbers of both sexes. The task of this group should be to investigate how the new technology should be introduced. The group should include representatives of the real end-users, and the employees should appoint their own representatives.

The project group/steering group should particularly investigate the effects of rationalisation on the employees, partly in terms of equality between women and men. The group should chart the general effects on the personnel, the labour requirements which will exist following the introduction of the new techniques, the supplementary training which will be needed in order for the employees to master the new technical aids and so forth. Work organization must also be reviewed. How is decision making delegated? What will happen to independence, responsibility and co-operation? How will the company hierarchy be affected? - One important objective should be for the rationalisation to lead to a more equal balance between the sexes in all occupational categories.

The task of the project group should also include that of showing what any superfluous personnel or time resources are to be trained/used for, as well as estimating the cost involved. This report will also show whether a possible reduction in personnel strength affects women more than men.

It is important to allow adequate time for a project concerned with the introduction of new techniques. The matter is seldom as urgent as one may be given to believe . Ouick decisions and quick implementation augment the risk of serious mistakes which can also have an impact on equality between women and men.

Before the new techniques are introduced, comprehensive introductory training must be provided for all personnel, part-time employees included. This training ought preferably to include computer literacy training and questions relating to the occupational environment and personnel development.

Plans must be drawn up for the retraining of personnel made redundant. This training can be given the form of a broad introduction followed by specialisation. It should focus particularly on occupations where women constitute a minority, e.g. those of sales representatives', service engineers and so on.

To prepare for an equalisation of the balance between the sexes in hitherto segregated occupational categories, and as part of the active promotion of equality between women and men, the employer should organize further training in computer science for end-users. This can be done in consultation with the suppliers or with the Labour Market Administration. The training can be addressed to printer or terminal operators wishing to go on to such duties as programming or system development.

The new technology should be evaluated four or five years after it has been introduced. The effects on the personnel, on equality between women and men within various occupational categories etc. should be measured and followed up continuously.

The report was sent to the computer companies approached and to another 500 information technology companies by way of following up the Ombudsman's survey. The Ombudsman asked the companies to submit equal opportunities plans. The plans which were received show that this sector still needs to recruit large numbers of programmers/systems engineers/consultants in particular and also that the information repeatedly supplied concerning equal opportunities has had some effect.

Finally, the case-note sets out the conclusions drawn by the Ombudsman from the survey:

In connection with or subsequent to office computerisation, the individual employer needs various forms of community support in order to improve the equality of the sexes at the workplace.

The entire school system must assume a larger share of responsibility for informing and advising girls about technical occupations and encouraging them to make unconventional educational and occupational choices. Girls and boys opting for technical studies must also be given more information about the workings of society and, above all, about the impact of technical progress on social conditions. Measures must be organized to increase the proportion of girls studying information technology/natural sciences in upper secondary schools and at post-secondary level.

Given the rapid pace of technical progress which can be expected, introductory and further training measuresat individual workplaces will be a very important issue during the 1980's. Equality between women and men will have to be taken into account in this connection. Educational resourcesmust be equally distributed between women and men. Part-time employees must also be given opportunities of further training and to this end it should also be possible for the State to make additional educational resources available to women through labour market training,adult education organizations, vocational higher education etc.

The information on the development of information technology supplied by State agencies to the general public and by decision makers to their subordinates within enterprise will have to be heavily expanded. There is a very noticeable knowledge gap between persons in managerial positions and employees with routine jobs. These great differences can cause insufficient consideration to be paid to equality between women and men. Computer training centres and other open-house schemes whereby the general public, and women especially, can acquaint themselves with the new technology should be started in order to stimulate interest and knowledge on the subject.