

**Portrait**

From Faroese independence to Nordic cooperation

**News**

Women's pay increases, men win at lifetime earnings

**Editorial**

How to become equal despite being different?

**News**

How have the Nordics managed the Corona crisis so far?

Feb 24, 2021

# Theme: Equality also for LGBTI



Newsletter from the Nordic Labour Journal 2/2021



Financed by  
Nordic Council of  
Ministers

## **NORDIC LABOUR JOURNAL**

Work Research Institute  
OsloMet – Oslo Metropolitan University,  
Postboks 4 St. Olavs plass, NO-0130  
Oslo

## **PUBLISHER**

Work Research Institute, OsloMet  
commissioned by the Nordic Council of  
Ministers.

## **EDITOR-IN-CHIEF**

Björn Lindahl

## **EMAIL**

[nljeditor@gmail.com](mailto:nljeditor@gmail.com)

## **WEB**

[www.nordiclabourjournal.org](http://www.nordiclabourjournal.org)

An email edition of the newsletter can  
be ordered free of charge from  
[www.nordiclabourjournal.org](http://www.nordiclabourjournal.org)

ISSN 1504-9019 tildelt: Nordic labour  
journal (online)



**REDAKTØR-  
ANSVAR**

## **Contents**

How to become equal despite being different? .....	3
How have the Nordics managed the Corona crisis so far? .....	5
Women's pay increases, men win at lifetime earnings.....	8
Nordic cooperation to secure equality for LGBTI people.....	11
What is it really like to be LGBTI in Norway today?.....	13
EU Court: Equal treatment for all, also among minorities.....	16
Is Denmark's proposed refugee legislation unrealistic? .....	17
More Nordic people wanted to become Norwegian in 2020 .....	20
From Faroese independence to Nordic cooperation .....	22

# How to become equal despite being different?

A society can be unjust in many ways – different pay for different genders or discrimination of those who do not fit into the traditional gender roles. But people within minority groups, like those with disabilities, can also be treated unequally.

EDITORIAL

24.02.2021

BY BJÖRN LINDAHL, EDITOR-IN-CHIEF

In this edition of the Nordic Labour Journal, we focus on what the Nordic countries are doing to create more equal and just societies.

“We are different but equal” is a good starting point. In reality new decisions that have long-term consequences are being made all the time. Women get a greater proportion of parental benefits and sick leave than men. Yet income support does not fully cover the entire earnings shortfall. In the long term this – along with other inequalities – leads to women's lifetime earnings being lower than that of men.

Lise Bergh chairs the Swedish Commission for gender-equal lifetime earnings, which points to a reduction in the gender pay gap in Sweden in its first progress report. But if you also count public benefits like pensions and capital income, women only earn 77.7% of men's lifetime earnings.

For LGBTI people – those of a different sexual orientation or who experience their gender role differently from the majority – the fight is still centred on the most basic of issues: to be recognised for who you are. There has been progress in terms of legislation, but a report from NIKK on commission from the Nordic Council of Ministers shows that when an LGBTI person moves from one Nordic country to another to work or live, they might encounter different rules.

The report says the Nordics are particularly progressive when it comes to laws allowing LGBTI people to live as families, and that asylum legislation is providing protection for LGBTI refugees. Yet the Nordics still lag behind in other areas – especially on the legal recognition of gender and the protection against discrimination of people with intersex variations.

A new study of LGBTI people's living conditions is being prepared in Norway, the largest of its kind since 2013.

“We live in a culture where it is important to sort things according to gender. If something goes against the usual categories, people can become quite agitated. Some trans people

embody what many in society feel to be difficult to relate to: that gender does not have to be about man or woman, but that it can rather be considered to be a spectrum,” says researcher Elisabeth Stubberud.

In other countries, discrimination can be more extreme, like in Poland where “LGBTI-free zones” have been introduced.

Poland has also been the subject of a ruling by the EU Court, which concluded that discrimination is not only about one minority being treated differently to the majority. It is equally wrong to treat different people within a minority unequally. The ruling, which centred on people with disabilities, could also have consequences for other areas.

The conflict between national and international law is also being looked at in a legal memo prepared for the Danish government. The memo says there is nothing to stop Denmark from moving its asylum application processes to an African country, yet certain groups of asylum seekers still have a right to have their applications processed in Denmark.

The Corona pandemic has closed borders also within the Nordic region. Cross-border commuters have not been able to get to work and second home owners have been unable to visit their properties on the other side of the border. It is perhaps not surprising that a record number of Nordic citizens consider double citizenships as being attractive, as the case is in Norway.

As the Corona pandemic approaches its first anniversary it is time to assess the measures which have been introduced, concludes a report on the Nordic region and Corona carried out by the Danish Technological Institute. Those who push for the Nordic region to be as open as possible have been facing an uphill battle.

But many others are ready to roll up their sleeves and get working, as Finland's Prime Minister Sanna Marin said when she presented the 2021 Finnish Presidency for the Council of

## HOW TO BECOME EQUAL DESPITE BEING DIFFERENT?

Ministers. One of those people is Kristina Háfoss, who started her new job as General Secretary of the Nordic Council on 1 February. You can read our portrait of her in this edition.

We can work towards more equality, but sadly life will never be fair. Our colleague in Iceland, Gudrun Helga Sigurðardóttir, has passed away after a tough battle with cancer. She wrote her first piece for the Nordic Labour Journal in November 2011 and enjoyed writing in Swedish for Nordic and international readers. We are going to miss our lovely and skilful colleague and the pride she took in taking us around on Iceland to show us the places she loved the most. You can find some of the many articles she wrote here:





## How have the Nordics managed the Corona crisis so far?

The Nordic countries have dealt with the economic crisis caused by the Corona pandemic in similar ways. As a result, unemployment is now falling back to more normal levels. A report from the Danish Technological Institute on commission from the Nordic Council of Ministers argues it is time to adjust the support measures.

NEWS

24.02.2021

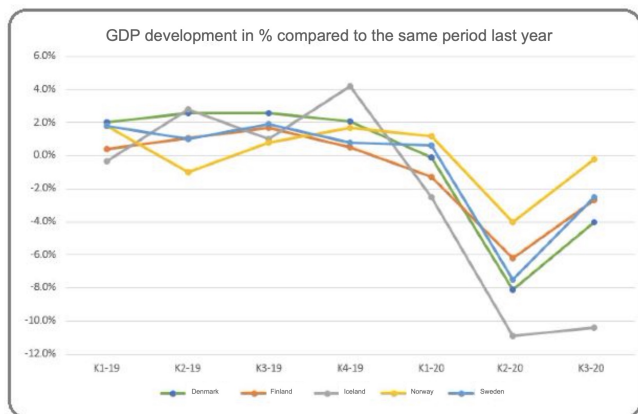
TEXT: BJÖRN LINDAHL, PHOTO: RICKY MOLLOY/NORDEN.ORG

When the Corona pandemic was declared by the WHO on 11 March 2020, stock markets fell by one third according to the leading US stock market index. Unemployment rose sharply. The crisis can be compared to the 1929 stock market crash which preceded the Great Depression of the 1930s, the oil crisis in the 1970s and the financial crisis which began in 2008. But there is one big difference.

“The Corona crisis was not a result of the economy per se, but of an unforeseeable external event – a pandemic. You could describe it as a kind of natural disaster, and it is being fought

with wide-ranging infection controls that dampen economic activity,” write Martin Eggert Hansen, Stig Yding Sørensen and Tine Andersen.





The Nordic countries saw a dramatic fall in their GDPs after the pandemic struck in March 2020. Iceland was the hardest hit while Norway almost achieved positive growth in the third quarter of 2020. Source: Eurostat/Danish Technological Institute

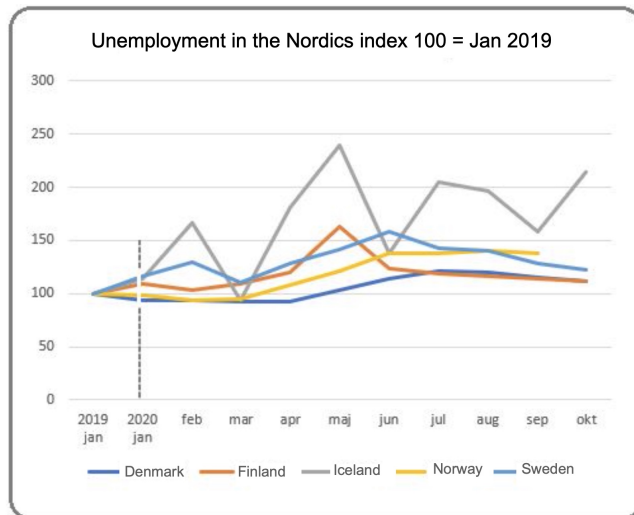
A “normal” crisis has certain patterns which to some extent can be predicted using economic models. But the Corona crisis has a far more unpredictable time horizon and spread. The crucial factor is human behaviour and this can only be partially controlled by political action. While traditional crises hit society in a broad sense, the Corona crisis is selective. It mainly hits trades where workers have a lot of contact with other people, like tourism and retail.

**Fewer measures in Sweden**

Sweden stood out among the Nordics by introducing relatively minor measures. Restrictions were based on recommendations and voluntary action. This was not based on economic considerations. The Public Health Agency of Sweden made the decision without much political input, the report points out.

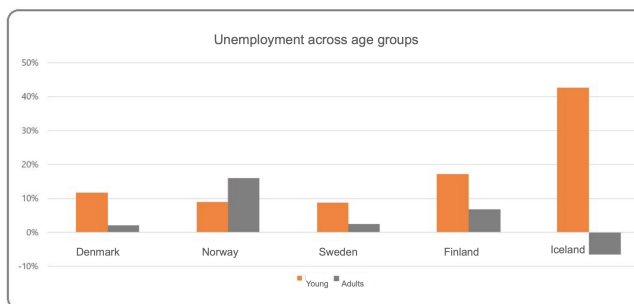
“Even if the Swedish restrictions were mild and based on voluntary action, they have put a strong damper on the economy. Restaurants lost 70% of their revenue from the middle of March 2020, and clothes shops saw a 50% drop from that same date,” says Martin Eggert Hansen.

Unemployment rose rapidly in all of the Nordic countries. The exceptions are the autonomous regions of Greenland and the Faroe Islands, which have so far not seen a single death from Corona.



The researchers have created a graph using index numbers to show unemployment in the Nordic countries. They put January 2019 as 100. We have compressed what happened in 2019 and then show the monthly development. The peak for unemployment came in May – June and has since fallen everywhere except in Iceland. Source: Eurostat, Technological Institute.

Young people were hardest hit by the rise in unemployment in all of the Nordic countries except Norway. This group often works in trades that are harder hit by Corona, like tourism, hospitality and retail. Young people also have less work experience and a looser connection to the labour market than older people, and are more likely to be on time-limited or temporary contracts.



The graph shows the average change to unemployment between April and June 2020 compared to the same period in 2019. Young people are aged 15 to 24, older people are aged 25 to 74. The difference is most pronounced in Iceland, where unemployment among young people has risen by 42%. Older people, however, have seen a fall in unemployment. In Norway, older workers have been the hardest hit. Source: LFS National statistics.

There are smaller differences between genders, social groups and immigrants compared to the rest of the population, and statistics are fewer. Not surprisingly, immigrant groups are harder hit than other groups – in particular those with lower education from non-Western countries.

The researchers found the largest differences, both within and between countries, when looking at different trades. Below, we have chosen 6 out of the 19 trades which the researchers compared to see how employment changed in the second quarter of 2020, compared to the same period in 2019:

Sector	Denmark	Finland	Iceland	Norway	Sweden
Agriculture, forestry, fisheries	-16%	-7%	-8%	+3%	+2%
Construction	-5%	-4%	-5%	-1%	-1%
Hospitality	-11%	-26%	-7%	-4%	-24%
Public administration	+4%	+8%	0%	-4%	-2%
Health services	-1%	-1%	+4%	-2%	0
Culture	-1%	-14%	-2%	+4%	-12%

they are phasing out and adjusting their support systems to make them more accurate,” the researchers conclude.

While employment in agriculture and fisheries fell in Denmark, Finland and Iceland, it rose somewhat in Norway and Sweden. The hospitality sector has seen a steep drop in employment across those three countries, while in Iceland and Norway it has been less dramatic.

The construction industry, public administration and the health sector have seen the smallest rise in unemployment. It appears that Denmark, Iceland and Norway have provided more support to the cultural sector than Finland and Sweden.

It is difficult to determine which countries have managed the crisis the best, due to the varying size of different trades in different countries and due to the different measures that have been introduced.

“Many support measures have been introduced in each country at the same time. It is therefore difficult to ‘isolate’ the effects of each measure. So far we have seen only a few evaluations and studies and results are relative preliminary,” the researchers point out.

“The Corona pandemic is also still an ongoing crisis. Rising infection levels in the autumn led to new restrictions and lockdowns. Existing support measures have therefore either been prolonged or only partially scaled back, while new support measures have been introduced to complement existing ones.”

**Adjusting support systems**

Meanwhile, countries have started to consider whether various types of wage compensation could lock labour in businesses which in the long term cannot have as many employees as they did before the crisis. All the Nordic countries, therefore, believe that support measures should be adapted to maintain mobility in the labour market.

“The support measures were necessary in the acute phase, but they are not sustainable in the long run. At the same time, worsening global infection rates mean the crisis will go on and that there will still be a need to stimulate the economy. All of the Nordic countries are therefore in a situation where



## Women's pay increases, men win at lifetime earnings

Swedish women's income averages 77.7% of that of men's over a lifetime of work. This has not changed since 1995 and represents 3.2 million kronor (€319,000) on average. And government agencies contribute to this development concludes the Commission for gender-equal lifetime earnings in its first report.

NEWS

24.02.2021

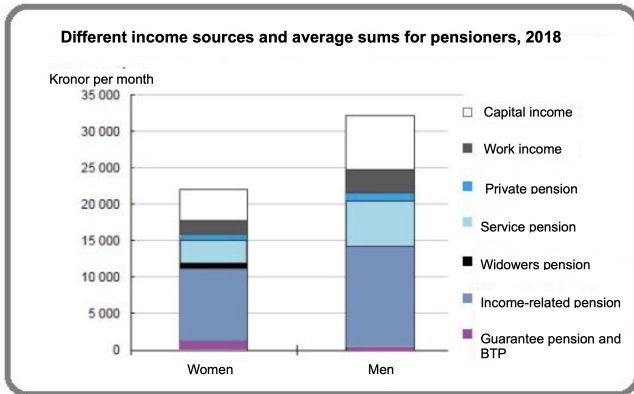
TEXT: BJÖRN LINDAHL, PHOTO: PRIVATE

“When we were given this task we thought ‘this is probably important’. Now we see that it is very important to analyse how government agencies’ actions and support influences men's and women's lifetime earnings,” says Lise Bergh, Chair of the Commission for gender-equal lifetime earnings, which published its first progress report on 25 January.

In early March 2020, the government appointed a commission tasked with coming up with proposals that could increase economic equality between women and men in the long term. As part of this, it would study government agencies' role in the distribution of public benefits and its consequences.



The pay gap between men and women in Sweden has narrowed to 9.9%, according to the Swedish National Mediation Office. But if you take a step back and include more than just income from work, such as public transfers and capital income, the story changes. Men and women's disposable income differs considerably – a gap that has remained the same for 25 years.



“We wanted to look behind the gilded image of narrowing pay gaps and look at the entire earnings over a lifetime. The gap can be explained in various ways. Women work more part-time, voluntarily or involuntarily. They take more parental leave and end up trailing behind at work both in terms of pay and career prospects. The Swedish labour market is also gender-segregated and female-dominated occupations are generally less well paid than male-dominated ones. The economic power between men and women is not equal,” says Lise Bergh.

**Differences in benefits**

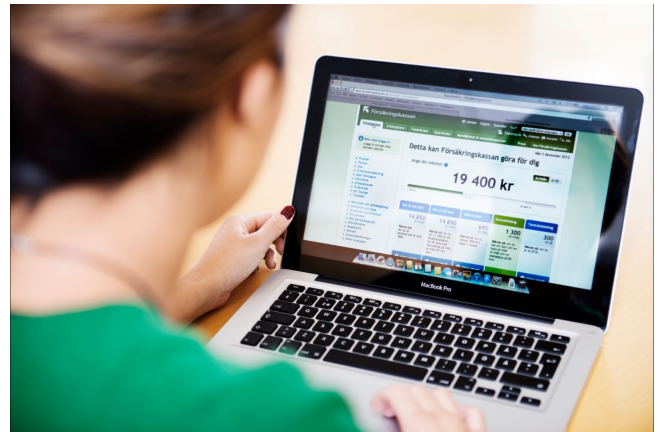
The commission also points out how economic support benefits men and women in different ways.

“Women get a larger proportion of public benefits in order to replace a loss of income, for instance during parental leave or sick leave, compared to men. However, since this does not cover the entire loss of income, and often also applies to part-time work, it has a negative effect on lifetime income. Men often benefit from support that brings them closer to the labour market. They also benefit from the tax system because they have a larger capital income. State support is unequally distributed,” says Lise Bergh.

The commission's first report has looked at six government agencies and their use of public support measures. They are the Public Employment Service, the Social Insurance Agency, the Tax Agency, the National Board of Student Aid, the Pensions Agency and the Migration Agency. There is also a separate study of the Public Employment Service's work with newly arrived women and women with reduced mobility.

One finding is that government agencies do not always publish gender-specific statistics, despite being obliged to do so. This is a serious breach, according to Lise Bergh.

“Gender-specific statistics are important in order to document reality. If the effect of various measures and support programmes is not documented in a gender-specific way, it is impossible to see whether unexplained or unnecessary differences between women and men exist. This impacts on the analysis of gender equality and government agencies' opportunity to identify faults in their own actions,” she says.



*The Social Insurance Agency gets praise for its gender-specific statistics.*

In cases where government agencies function well from a gender equality perspective, you often find a clear mission and good governance. One example is the Social Insurance Agency's work with parental allowance. Here you will find clear information and guidance for how different approaches to parental allowance influences the economy.

**Many perspectives fight for attention**

Lise Bergh wants proper governance which would allow agencies to produce gender-specific statistics and to analyse their work across all areas. This would show the effects from a gender equality perspective and improve the work.

“Creating equal opportunities for men and women is a question of equal rights, and it is not enough for an authority to just have one person who is responsible for gender equality. This is not a side issue – the gender equality perspective should be integrated across the board. You could end up with a fight for space when agencies must follow up other perspectives, like sustainability, diversity and more. It is important then to include gender equality issues across all the perspectives,” says Lise Bergh.

**More opportunities for unemployed men**

The commission also shows how the type of support being offered can be influenced by the gender of the recipient. It highlights one example from the Public Employment Service. In its progress report, the commission concludes that newly arrived men are considered to be easier to match with jobs than newly arrived women, despite having the same education levels, work experience etc. This means men are offered more labour market measures than women.

While women often are guided towards preparatory measures, men are offered courses and measures that make it easier for them to find a job. Women with reduced mobility also benefit less from labour market measures than men with reduced mobility, which could reduce the women's chance of finding work.

“There is also a difference at the Public Employment Service in how men and women are met, which stem from traditional stereotypical ideas of men's and women's motivation and chances of entering into the labour market,” says Lise Bergh.

She points out that it is important to keep all this in mind when developing artificial intelligence in various companies. If not, you risk baking stereotypical presumptions into the system.

***What have been the government agencies' reactions to the commission's work?***

“Many think we are doing a good job. These are not evil agencies that produce sub-standard statistics or discriminate against women knowingly. Most of them understand the importance of transparency, which allows them to become better – and you will not improve an agency before it is gender-equal,” she says.

**Government agencies have a lot of influence**

The commission will continue its work until 21 December this year. It is expected to produce a range of proposal for how the government agencies can improve their work from a gender equality perspective, and thus contribute to increased economic equality between women and men.

Summing up the commission's work so far, Lise Bergh is not surprised by the differences in economic power between men and women. That was not news to her.

“I am, however, surprised about the level of power held by government agencies. If their work was excellent in this area, together they would have great influence over gender equality.”

# Nordic cooperation to secure equality for LGBTI people

Children, young people and seniors are important priority groups for equality ministers' cooperation on LGBTI rights.

THEME

24.02.2021

TEXT: MARIE PREISLER

When an LGBTI person moves from one Nordic country to another to work or live, it might be challenging to have your gender or family composition recognised. This is one of many limitations that LGBTI people meet in the Nordics, and the countries' equality ministers have signed up to cooperate on solutions.

In 2020, the Nordic countries' equality ministers expanded their equality cooperation to include LGBTI people – meaning homo-, bi-, trans- and intersexual people. The aim is to secure that this group of people enjoy the same rights, treatment and opportunities as other Nordic citizens.

An amendment to the equality ministers' general program of cooperation identifies three strategic areas that they will work on in 2021 and 2022 to secure real equality for LGBTI people:

- Greater freedom and openness for LGBTI people
- Improved quality of life and living conditions
- A strengthened Nordic network and civil society for LGBTI affairs

## **Children and young people hardest hit**

The Nordic countries have pledged to cooperate on concrete initiatives linked to each of the three areas of cooperation. One central task will be to make sure experiences and knowledge of good solutions are shared.

Some of the work will be targeted at LGBTI children and young people since this is a group that is especially vulnerable to loneliness, bullying and exclusion, according to the report "Mapping and analysis of the LGBTI field in the Nordic region". The programme for cooperation is based on this report.

The cooperation between the countries will therefore also highlight good examples of how schools and education institutions can help create inclusive learning environments devoid of bullying and harassment. LGBTI children and young-

sters and children in rainbow families should also be able to participate in clubs and social networks on an equal level with everyone else.

## **Inequality in health and at work**

There will also be a joint Nordic drive to reduce the marked differences between LGBTI people and others when it comes to physical and psychological health. There is a higher rate of drug use, self-harm and suicide among LGBTI people, as well as higher levels of stress compared to other Nordic population groups. In order to reduce health differences, health services must be informed about the particular challenges that LGBTI people experience in order to provide the best possible treatment and advice, the programme states.

Nordic equality ministers will also work across the Nordic labour markets to share knowledge and experience of LGBTI issues like differences in inequality across various sectors and ways in which to increase LGBTI people's wellbeing at work. The Nordic report also shows that older LGBTI people might face particular challenges. At retirement, they could be at greater risk of loneliness and isolation.

## **At the forefront but far from finished**

Homosexuality was decriminalised in several of the Nordic countries only around 70 years ago, and for long after that, it was classified as a psychiatric illness. Since then there have been great improvements, and internationally the Nordics are considered to be at the forefront when it comes to things like legislation protecting LGBTI people.

Yet major challenges remain. There are threats from several quarters to LGBTI people's rights, and several Nordic countries face growing opposition to LGBTI issues, the report says.

It recommends action on several fronts in order to break down negative attitudes toward LGBTI people, to strengthen their protection and to secure better knowledge among a

range of social players – and to enforce existing legislation in the Nordic countries.

# What is it really like to be LGBTI in Norway today?

Norway's LGBTI community is more exposed than ever and their living conditions should therefore be studied. So say young people in Trondheim's gay milieu, and get support from a gender researcher.

THEME

24.02.2021

TEXT AND PHOTO: BJØRN LØNNUM ANDREASSEN

Kaja Colin Borgersen Bojer has studied in England and experienced how some people were organising opposition to gay rights. She warns living conditions could also deteriorate in Norway, where the abbreviation LHBT is most often used.

"In academia, I experienced opposition to trans people through the publication of statements bordering on conspiracy theories. We see such tendencies in Norway too. The extreme right are very hostile. Threats to gay people's rights are gaining a foothold in country after country," she says.

## Book burning

Bojer uses the Nazis' book burnings and the Hirschfeld Institut für Sexualwissenschaft archives around World War II as an example.

"The institute conducted research on sexuality and gender diversity which was important during a gay liberation fight. The Nazis wanted to get rid of this knowledge," says Bojer, and points to today's Poland, where the historic Nazi segregation seems to be blossoming once more.

"They have introduced 'LHBT-free' zones. LHBT people are not allowed to lead the lives they want in society. Attempts at curtailing their living conditions are being made in country after country, including in Russia as we know," she says. That is why Bojer thinks LGBTI organisations doing their own research need support because they have important knowledge.

"Research could give us the opportunity to fight ideas like the one that LHBT people are trying to force their sexuality onto other people," she says and gets support from Eivind Rindal.

## Need arenas

Together they coordinate their activism from Ivar Matlaus Bokkafé in the Svartlamon neighbourhood in Trondheim. The alternative neighbourhood is also known for its housing

activism. They want to create a common gay arena at the book café.



*Social arenas where gay people can feel OK are important. Ivar Matlaus Bokkafé at Svartlamon in Trondheim is open, points out Eivind Rindal and Kaja Colin Borgersen Bojer.*

"I meet many people who miss places where they can dare to be open and express themselves. This indicates that we still have a long way to go in our society. Many invisible gay people are still out there holding themselves back and the way they want to express themselves as people," he says.

Underground movements have always been important to young people who feel different. The need for a common arena among LGBTI people is big, and it used to be better believes Rindal.

"There used to be a more diverse milieu. Now a lot has moved online. The social fabric is about to be lost. But the feeling of togetherness is something people want," he says. He has



been working with the Trondheim Pride parade for nearly ten years.

“Many want less alienation and want to not have to think about whether they present in a ‘correct manner’ with the correct social codes. This is one of several themes it could be interesting to research,” says Rindal.

### **Living conditions across Norway**

On commission from the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) researchers are now cooperating on a nation-wide survey. It is called “LGBTIQ living conditions 2020”. The survey is being conducted by the Department of Psychosocial Science at the University of Bergen and the Nordland Research Institute.

The last major quantitative living condition survey among LGBT people in Norway was published in 2013, says Elisabeth Stubberud. She is a researcher at the Nordland Research Institute and the Norwegian University of Science and Technology (NTNU) in Trondheim.

“In our current survey on living conditions among LHBT people, we build on the work done in 2013. We have created a set of indicators and we have some well-qualified ideas of what it is we should ask gay people. We have also looked at a larger survey of living conditions for gay people in Europe. Several of the questions used there we use in the same way and have gathered comparative numbers from a representative selection in Norway,” says Elisabeth Stubberud. The results will be published this spring.

### **“Pretty negative”**

“We know from opinion polls that a considerable part of the population is relatively negative to gay people in general. You can expect to see this in the living condition data among gays. I still hope living conditions have improved compared to the 2013 survey. That gay people for instance feel safe enough to be open about who they are. At the same time, I am realistic,” she says.

“The recent trans debates in Norwegian media have been ugly. I think the reason is a combination of most people having very little knowledge of trans issues, while most people are very interested in genders,” she says.



*Elisabeth Stubberud at NTNU in Trondheim is conducting a survey on living condition among LGBTI people across Norway on commission from Bufdir.*

“We live in a culture where it is important to sort things according to gender. If something goes against the usual categories, people can become quite agitated. Some trans people embody what many in society feel to be difficult to relate to: that gender does not have to be about man or woman, but that it can rather be considered to be a spectrum.

“Trans people who participate in media debates must sadly put up with some hateful statements, perhaps because of this. I am curious to see what kind of data we get for trans people’s living conditions, as this has not been reported in a quantitative way earlier in Norway,” she says.

“I am a researcher and an activist and I believe it is possible to do something. I am also very worried. We see a backlash right now, especially in Eastern Europe, where it is not OK to be gay – for instance in Poland and Russia. The so-called ‘anti-gender movement’ has a parallel to the trans debate here at home. Those who follow this ideology have a conservative understanding of gender – that there can be nothing in between being a woman or a man,” explains Stubberud.

### **More research**

She believes LGBT research otherwise to be rather limited.

“Some of us who are gender researchers in Norway are interested in gay theory. It was easier to get finance for research before. Several of us are interested in more gay research,” she says.

“There are still many young people who feel it is difficult to come out. Many spend years before telling family and friends anything about their sexual orientation or gender identity. It surprises me that things are still this bad. Society must realise that we still have some way to go, and show that there is space for diversity.

"Adults are responsible for not presuming their children are straight. Employees in education, health and child services are responsible for presuming that children could be gay. This concerns us all every day, and it is not something that concerns somebody else somewhere else," Stubberud says.

She does not think there are major differences in attitude based on parents' education or whether people live in the city or in the countryside.

**“Update is needed”**

Anna Bjørshol is head of department at the Norwegian Directorate for Children, Youth and Family Affairs, Bufdir, which advises the Government on policies concerning gay equality and rights.

“Research has shown that LGBTI people on average have worse living conditions than the population in general. It is for instance more common for gay people to experience psychological problems and hate crime. Although we have some knowledge, in general there is little research and other information about conditions for LGBTI people in Norway.

"The background for commissioning this survey is that we need up-to-date knowledge of how gay people experience living in Norway. This is a unique and historic survey because it is the first major and national survey on living conditions for trans people and non-binary people in Norway," Bjørshol tells the Nordic Labour Journal.

# EU Court: Equal treatment for all, also among minorities

Is it discrimination if an employer chooses one person over another if both have some sort of disability? Yes, says the EU Court of Justice in a new ruling. The ban against discrimination does not apply only in cases where the other party has no disability.

NEWS

24.02.2021

TEXT: KERSTIN AHLBERG

There are several EU directives on the equal treatment of people which combine to ban discrimination based on gender, race or ethnicity, religion or belief system, disability, age or sexual orientation. Most often we think of discrimination as treating people with a certain ethnic background, from a certain religion or with a particular sexual orientation less favourably than people of other ethnic backgrounds, religions or sexual orientation (who usually belong to the majority).

In this case, which centred on a hospital in Poland, the situation was the opposite. The employer treated some workers with disabilities differently from other workers with disabilities. The motivation was economic. Anyone employing 25 or more people in Poland must pay a fee to a state fund for the rehabilitation of people with disabilities. That is the starting point.

But employers who have at least 6% disabled workers do not have to pay the fee. An employer who wants to prove he has enough workers with disabilities to qualify for this must be able to present certificates from these employees.

16 hospital workers had presented such certificates. But this was fewer than the employer needed in order to avoid the fee. In order to encourage more employees to present disability certificates, the hospital director decided to offer an extra monthly allowance to all workers who would do this by a certain date. 13 people did. Those who had presented their certificates before this date had no extra allowance and were also not allowed to present new certificates.

The employer's defence was that the point had been to save money and that if everyone got an allowance there would probably be no savings made at all. The hospital also argued that those who complained were not discriminated against according to the law, because they were comparing themselves to other employees with disabilities.

But the EU Court did not agree with the employer.

Although this ruling covered disabilities, the Court's conclusion also applies to the other causes of discrimination. Homosexuals can be discriminated against in relation to other homosexual employees, for instance. The point is that the negative special treatment must be in relation to the person's sexual orientation and nothing else.

In this particular instance, this would be the case, argued the EU Court. When employees hand in disability certificates they are also awarded certain rights in the workplace according to the law.

It was therefore feasible that the 16 people who did so before the date set by the employer, had disabilities that were particularly visible or that meant they needed certain aids in the workplace, while the other workers' disabilities were less severe or did not call for immediate adjustments at work. In that case, the workers' disability was the only reason behind the discrimination.



## Is Denmark's proposed refugee legislation unrealistic?

Denmark's government has presented legislation that represents a first step towards realising a controversial election promise to set up reception centres in countries outside the EU. Refugees would stay there while their asylum applications are processed in Denmark. Critics doubt the proposed legislation is realistic.

NEWS

24.02.2021

TEXT: MARIE PREISLER, PHOTO: FRONTEX

Bringing the number of asylum seekers at Denmark's borders to zero. That is the ultimate goal of proposed legislation presented to parliament by the Danish government and recently sent out for consultation. But even before parliament starts debating the proposed legislation, it seems doubtful it can be realised.

The government's desire to move asylum application processes and the housing of asylum seekers out of Europe faces all kinds of legal and practical challenges. The idea is that one or maybe several African countries take responsibility for the asylum process in exchange for a fee.

The Danish government says this would not be in breach of EU rules or international law, but Danish law would have to



be changed. A legal memo prepared for the government argues that even with such reception centres, Denmark will be required to treat some asylum seekers' cases in Denmark.

**Fewer rubber dinghies**

The Minister for Immigration and Integration Mattias Tesfaye (Social Democrats) has argued the proposal could prevent refugees from drowning during the crossing of the Mediterranean Sea. It could also lead to a far better asylum system, he argues.

“We should encourage fewer people to risk the dangerous journey across the Mediterranean and use the money to help more people better in the local areas. One of the ways to do this is to move asylum application processing and the protection of refugees out of the EU. That way there is no longer any need to pay people smugglers for a space on the rubber dinghy. And we will not spend 300,000 kroner (€40,300) a year on each failed applicant who refuses to go home,” the minister said in a press release.



*Mattias Tesfaye, Denmark's Minister for Immigration and Integration. Photo: Keld Navntoft.*

The government is now talking to a number of countries outside the EU about becoming “hosts” for the Danish asylum application process in the future. The negotiations include what price Denmark should pay for this service. The Minister for Immigration and Integration is quoted as saying that he is open to the idea that Denmark could for instance provide more economic support to help deal with waves of migration or also accept more students from a country that processes Danish asylum applications.

The Danish government has also talked to other European countries in the hope that they will follow Denmark's example. The minister would like to see this expanded into a European model, but so far there has been no support in the EU. Both Norway and the UK have been contacted as alternatives, writes the Jyllands-Posten newspaper. It quotes Mattias Tesfaye as saying this about the two countries:

“They are interesting countries in that they, like us, are impacted by migrants, and their governments are debating this.”

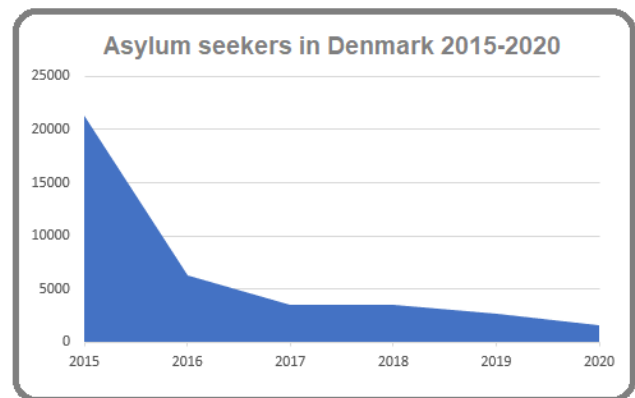
The newspaper could not confirm with sources in the Norwegian government that it had been contacted by the Danish minister.

**Few asylum seekers**

The controversial asylum proposal is the culmination of a promise the Social Democrats made at the last election, and the government has developed two models for how asylum applications can be processed outside of the EU.

In one, Danish authorities would process the applications and accommodation in a country outside of Europe, in the other the foreign country's own authorities would be carrying out these tasks on Denmark's behalf.

The models were not presented to the European Court of Human Rights and the EU Court of Justice, and many experts have been very critical of the proposal in various media. They doubt it is possible to find countries outside of the EU that would both be able and willing to operate reception centres. They also point out it would be impossible to “flag out” the asylum process because there would be so many exceptions where asylum seekers in any case would have the right to have their application processed in Denmark.



*In 2015, Denmark had 21,316 asylum seekers. By 2020, the number had fallen to 1,547. Source: Danish Ministry of Immigration and Integration.*

The proposal came at a time when new figures showed Denmark registered 1,547 asylum seekers (in 2020) – the lowest figure so far. The Minister for Immigration and Integration Mattias Tesfayes has said the Corona situation probably is one reason behind this, but he also believes that “this is thanks to our strict immigration policy”.



### **Harder to gain citizenship**

The government is also preparing a tightening of citizenship rules. Mattias Tesfaye has proposed that anyone sentenced to prison should not be given Danish citizenship without this being approved by parliament's naturalisation committee. A citizen application would only be presented to the committee after a deferred period reflecting the length of sentence given to the applicant.

This would mean an applicant who is sentenced to prison for up to 60 days would not see their application presented to the committee for 12 years after being released. An applicant with a non-custodial sentence would have their case presented to the committee six years after being sentenced.

If the opposition Venstre party got its way, citizenship should also be denied to people who do not accept Danish values. The party's immigration spokesperson, Morten Dahlin, told Weekendavisen that Venstre wants civil servants assess whether asylum seekers for instance put the Koran over the Danish constitution and whether a father would insist on having social control over his daughter so that she cannot choose her own boyfriend.

This would be in breach of Danish values and would "not be rewarded" with Danish citizenship, explained Dahlin.

### **Young Nordic people have an advantage**

In their report "A stranger in your own country?" the Danish Institute for Human Rights has examined the access to citizenship for children and young people who are born or grew up in Denmark. The report concludes that only those with citizenship in another Nordic country have a legal right to Danish citizenship.

If they are born or grew up in Denmark, they can gain citizenship relatively easily, while young people with non-Nordic citizenships also had relatively easy access to Danish citizenship until 2004. Today they must go through a long and uncertain application process, which has great consequences for the young people's well-being and education opportunities, the report concludes.



## More Nordic people wanted to become Norwegian in 2020

2020 saw a tenfold increase in the number of citizens from other Nordic countries gaining Norwegian citizenship. From 1 January that year, it became possible to hold dual citizenships in Norway. 1,905 people applied to become Norwegian citizens while keeping their old citizenship.

NEWS

10.02.2021

TEXT: BJÖRN LINDAHL, PHOTO: PRIVATE

“We were expecting an increase in 2020, but this was more than we had foreseen,” says Linda Kartawich, Head of Section at the Norwegian Directorate of Immigration UDI.

Swedish citizens topped the list with 1,008 applications. One of them is Pernilla Cederlöf who moved to Norway in 2009 and met a man there – also he Swedish. They now have two children.

“We talked about this for a long time, but we were not prepared to give up our Swedish citizenships. What made us decide to apply was corona. We felt Norway’s strategy was better and that it would not be a bad idea to be citizens here. We felt a bit more protected.

“There were practical issues too, like having to travel to Sweden to renew your passport and not at least being able to vote in the country you live in.”

### **A clean criminal record**

Nordic citizens applying for Norwegian citizenship must present their current passport or other such identification, as well as proof of a clean criminal record. If you have lived in Norway for seven years or more, you only need proof from the Norwegian criminal record. Unlike people of other nationalities, Nordic citizens do not have to sit a citizenship test.

Despite these modest demands for documentation, the large number of applications and the corona pandemic have led to

long waiting lists. After applying online, you have to collect your criminal record details from the police.

“Once you have the police check, you take it to a meeting with UDI. For a long time, there were no appointments to be had there. I checked every day, and in September there were suddenly some available so that I and later my husband could complete the application. Once the meeting was over, it only took one week before everything was ready,” says Pernilla Cederlöf.

**Long waiting time**

Towards the end of 2020, the average waiting time was 145 days. In Oslo, where most of the applicants live, it was 300 days according to UDI statistics.

Linda Kartawich says extra resources will be in place in 2021.

“The large number of applications have presented us with a capacity challenge, but this is also because of the Covid-19 situation. In 2021, UDI will be granted 25 million kroner (€2.4m) and the police 36.5 million kroner (€3.4m) to handle dual citizenship applications. That means around ten extra full-time jobs.”

This pleases Erik Leifsson. He is Danish and plans to apply for Norwegian citizenship. He works at the Norden Association’s administration in Oslo.

“I am surprised to hear about the long waiting times. I did not know about this, actually,” he says.

Erik Leifsson met a Norwegian woman who studied in Denmark and moved with her to Oslo in 2014, where he studied for his Master’s.

**Voting right important**

“We have decided to remain here. I am interested in politics, so for me, it is important to have dual citizenship which allows me to influence the politics in the country where I live.”

Some of those who have applied for dual citizenship are Norwegian citizens who were forced to relinquish their original citizenships when marrying a person from a different country. There is no statistic showing the size of this group.

Most applicants in 2020 were Swedes – more than double the number of Danes. But the percentage increase was far bigger for other Nordic citizens compared with 2019.

Nordic applicants make up only one-tenth of the total number of applications for Norwegian citizenship. 19,469 applied and were granted citizenship in 2020, an increase of 48% compared to 2019. The largest group were Somalis – 2,978 people – and Eritreans – 2,750.

Citizenship	2019	2020
Denmark	22	425
Finland	16	277
Iceland	13	195
Sweden	119	1008



## From Faroese independence to Nordic cooperation

When she was younger, Kristina Háfoss was known as one of the Faroe Islands' top competition swimmers. In recent years she has been best known for her work for Faroese independence, but now she is also working actively for increased Nordic cooperation.

PORTRAIT

01.02.2021

TEXT: RÓLANT WAAG DAM, PHOTO: BJARNI ÁRTING RUBEKSEN

“Kristina never runs out of energy. As Minister of Finance, she has tried to turn a deficit to a surplus – every year. As a human being and politician, she is an unusual organisational and ideological talent. Always well-prepared. Always with an eye to the future. Always with integrity and clear goals. And always with extra energy for colleagues and for global and local challenges.”

This is how Høgni Hoydal describes Kristina Háfoss. He has led Tjóðveldi, the Faroese independence party, since 2001. That was also the year Háfoss joined the party. Hoydal knows Háfoss better than most and that is why I asked him for a quote for this story.

### **A Faroese power woman**

Hoydal's description of Háfoss is supported by her CV, which shows her to be quite the Faroese power woman.





She was the youngest woman ever to be elected to the Faroese parliament in 2002. Twice she has been a government minister – first in 2008 as minister for education, research and culture, then in 2015 as finance minister. She has been an economist at the Faroe Islands Governmental Bank and held leading positions in the listed bank Føroya Banki and in the Faroese’s largest insurance company, Tryggingarfelagið Føroyar.

She has degrees in law and politics from Copenhagen University and has later secured an Executive Certificate in Business Administration (CBA).

Kristina Háfoss is 45, has four children, a husband and a new house in Thorshavn just metres from her childhood home in Argir, an old village which has now grown to become part of the city of Thorshavn.

### National team and gold medals

“Back then I was really into sports. We trained 11 times a week,” says Kristina Háfoss.

We meet her at home and she is looking across the river that separates Thorshavn and Argir, her youth and present time. If you do not know that the river marks the border between the city and the village, it can be difficult to say whether you are in one or the other.

30 years ago, when Kristina was young, things were different. There was no doubt that Argir was Argir and Thorshavn was Thorshavn. And back then, as now, there was no doubting who Háfoss was.

She won a lot of medals, joined the national team at 13 and stayed there for five years. But when Háfoss began her upper secondary education, her lessons gradually took over from her swimming.

She did continue to do sport, however. Háfoss played volleyball, made it onto the youth national team and became Faroese champion with her club Fleyr in the top Faroese league.

“I started travelling at an early age with the national teams, especially around the Nordics. That made an impression,” she says in explanation to her developing an early interest in the Nordics.

“I saw how different the countries were. But I also saw strong, common values and that there are so many things that link us. That is also why I have often wondered why we have not made our strong cooperation even stronger,” says Háfoss.

### The crisis became key

Her foreign adventures with her national team friends from swimming and volleyball inspired the young teenager. But back home on the Faroe Islands, the situation was far more serious. In 1992, they were hit by a deep economic crisis.



“It was nearly impossible to understand that our society could suffer such an economical collapse. How could it have gone so wrong,” Háfoss asked herself while she read and listened to explanations and excuses from politicians and businesses.

“That’s when I decided to read national economy. I wanted the knowledge and tools needed to prevent this from happening again,” she says. Háfoss began her studies at Copenhagen University in 1995.

In her student digs in the Danish capital, she did her homework and read Faroese newspapers sent to her in the post once a week. She was deeply engaged in the situation in her home country but also frustrated that young voices were nearly non-existent in the debate.

That is also why Háfoss started writing letters to the newspapers while studying politics.

“Most countries have realised that in future, good cross-border cooperation will be necessary if they are to have any impact internationally,” wrote student Háfoss in the Sosialurin newspaper on 18 November 1998.

A young woman getting engaged in this debate created a stir. At the time, Háfoss was not herself politically active, but soon became part of the youth movement of the Republic Party (Tjóðveldi) – Unga Tjóðveldi.



After graduating in the summer of 2001, she moved home to the Faroe Islands and became a Tjóðveldi party member. She was then asked whether she would run for a seat in the Danish parliament that November. She got the second largest number of votes, 224, only beaten by party leader Høgni Hoydal.

The year after, she ran for a seat in the Faroese parliament and got 310 votes. At 26, she became the youngest female woman parliamentarian in the Faroe Islands ever.

“And the rest is history,” smiles Háfoss, before adding in a serious voice that it was not at all that.

### **Dumped by the voters**

Her first shot at a parliamentarian career was cut short. Less than two years after being elected, a new election was called. Háfoss ran but only secured 135 votes, nearly 200 fewer than last time.

“I was incredibly disappointed that our coalition for independence could not stick together. That was a broken dream, and I was not particularly active in that election campaign when I first started. In retrospect I concluded that if you don’t use a campaign to show what you really mean, you get punished,” says Háfoss.

The next couple of years, Háfoss spent working as an economist, project leader and departmental head. She also stepped in as a deputy in parliament a few times. But in 2008 she made a political comeback and became a government minister. Since then she has been either an MP or government minister until she now steps into her leadership position at the Nordic Council of Ministers on 1 February 2021. This is a task she looks forward to.

### **Nordic region a model to the world**

“The Nordic region is unique in so many areas. It is a role model for many countries around the world. And I believe the Nordics can become an even more important role model and trailblazer in education, innovation, digitalisation, environment and with our welfare model,” says Háfoss. The Arctic is another area she believes it will be important to focus on.

“To have our interests heard here takes both a strengthened and different kind of Nordic cooperation,” she says.

Although she has still not officially started in her position at the helm of the Nordic Council of Ministers, she has evidently started preparing for it a long time ago. That is another thing Hoydal praises Háfoss for. Her commitment, integrity and competence. But some also believe she is *too* clever; political enemies who call her a know-it-all and patronising.

“I cannot escape from the fact that I have several educations. It perhaps makes some people want to confirm their prejudices. But yes, I do spend a lot of time preparing and always

try to go out of my way to do well,” says Háfoss from her new home in Thorshavn.

Soon she will also have a new office in Copenhagen. She will move on from politics and working for independence for the 18 small islands in the North Atlantic to spearheading increased cooperation between eight countries – Denmark, Finland, Iceland, Norway, Sweden, the Faroes, Greenland and Åland.

A task that suits Háfoss perfectly, according to Hoydal.

“Kristina is a global politician with her feet firmly planted on Faroese and Nordic ground. She always achieves concrete results from her intense and to-the-point efforts.”