

Annex 1 Statistics of complaints to the Equal Opportunities Ombudsman

Number of complaints received by the Equal Opportunities Ombudsman in the period 2006 until and including 2008, by area of society

2006

<u>Area of society</u>	<u>Total number of complaints</u>	<u>Of which from women</u>
Working life ¹	135	107
Disfavouring on account of parental leave ²	11	6
Higher education ³	4	3
Schools ⁴	9	6
Other areas of society ⁵	70	27
Not the area of the Equal Opportunities Ombudsman	133	No information

2007

<u>Area of society</u>	<u>Total number of complaints</u>	<u>Of which from women</u>
Working life	154	114
Disfavouring on account of parental leave	72	62
Higher education	4	2
Schools	9	7
Other areas of society	78	52

1 The then Equal Opportunities Act.

2 The Parental Leave Act Note that the prohibition of disfavouring related to parental leave entered into force in 1 June 2006. The figures for that year thus only refer to complaints received during six months.

3 The Equal Treatment of Students at Universities Act.

4 The Child and Pupil Protection Act.

5 The Prohibition of Discrimination Act.

Not the area of the Equal Opportunities Ombudsman	96	37
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2008

<u>Area of society</u>	<u>Total number of complaints</u>	<u>Of which from women</u>
Working life	143	118
Disfavouring on account of parental leave	67	51
Higher education	10	9
Schools	24	18
Other areas of society	53	32
Not the area of the Equal Opportunities Ombudsman	53	53

Annex 2 Information about judgments delivered in the period 2006 to 2013

In the period 2006 to 2013 – as far as is known to the Equality Ombudsman – a total (i.e. regarding all grounds of discrimination) of 86 judgments were delivered in discrimination cases in Swedish courts. 53 of these cases concerned discrimination (or, more properly, alleged discrimination) of women.

During the period 29 judgements were delivered in cases concerning sex discrimination or disfavouring on account of parental leave.

27 of the cases concerned (alleged) sex discrimination/disfavouring on account of parental leave of women. 2 of the cases thus related to men. In 15 of the cases the courts approved all or part of the action, and in 14 cases the courts dismissed the action. 12 of the cases were brought by other actors than the Equality Ombudsman.

Three judgments were delivered in the period by courts of general jurisdiction, two of which related to sex discrimination in social insurance. One judgment concerned the question of the admission of the under-represented sex to higher education.

26 judgments have been delivered by the Labour Court. Eight of these concerned disfavouring for reasons related to parental leave. Six judgments concerned discrimination for reasons related to pregnancy. Six judgments concerned sex discrimination in recruitment. Two judgments concerned pay discrimination and four judgments harassment (sexual harassment, harassment associated with sex).

The following can be mentioned from the judgments delivered.

The Equality Ombudsman won an action that concerned a pregnant woman who had applied to attend a course that would take place one week before the expected birth. The employer refused the application for the reason that the newly acquired knowledge would be hard to anchor in the organisation on account of the employee's long absence from work after the course. The woman received SEK 25 000 in damages (Labour Court case no 45/09, 10 June 2009).

The Church's Graduate Association [*Kyrkans akademikerförbund*] won an action concerning a church association of parishes that had not given an assistant vicar who was on parental leave a pay increase in its annual pay review, which the Court considered was contrary to the prohibition of disadvantaging in the Parental Leave Act. The woman received SEK 40 000 in damages (Labour Court case no 56/09, 1 July 2009).

The Equality Ombudsman won an action for a 62-year old woman who applied for a job as a job coach at the Swedish Public Employment Service. She was not called to an interview and two younger women were appointed to the posts. The Court found that the woman had been discriminated against for reasons associated with age and sex in connection with the appointment. The woman received SEK 75 000 in compensation for discrimination (Labour Court case no 91/10, 15 December 2010).

In two cases the Equality Ombudsman has won actions regarding pregnant women who were refused employment after telling the employer that they were pregnant. The women received SEK 30 000 and SEK 50 000 in compensation for discrimination (Labour Court case nos 2/11 and 23/11, 19 January 2011 and 30 March 2011).

One case was about a woman who was offered poorer work duties after returning to work from parental leave and was subsequently dismissed summarily. This was a private claim brought under the Employment Protection Act. The Court notes in its judgment that under EU law the employee on parental leave is entitled to return to the same job or a job of equal value after their parental leave, which can entail a restriction of the obligation to work that would otherwise have been applicable and therefore also a restriction of the right to direct work (Labour Court case 22/13, 20 March 2013).

The Equality Ombudsman has won a case that concerned a woman who was subjected to sexual harassment by her manager during her employment as a receptionist at a driving school. After she had pointed out the harassment the company terminated her employment. The Court found that the company was guilty of discrimination in the form of sexual harassment and also of reprisals. The woman received SEK 75 000 in compensation for discrimination (Labour Court case no 71/13, 18 September 2013).

The following judgment is also of particular interest. It led to a change in the case-law of the Swedish Social Insurance Agency regarding sickness benefit for problems during pregnancy.

In 2009 the Equal Opportunities Ombudsman brought an action for four pregnant women who had been refused sickness benefit for their problems during pregnancy. The case-law of the

Swedish Social Insurance Agency in this type of case was to refer to pregnancy as a normal part of the life process and to say that these problems were therefore not to be regarded as an illness that reduced work capacity. The case was transferred to the Equality Ombudsman on the amalgamation of the various ombudsmen against discrimination and the Equality Ombudsman won the action in the District Court and the Court of Appeal. In the District Court the women received SEK 50 000 each in damages. However, the Court of Appeal reduced the amount to SEK 15 000 each (Svea Court of Appeal case no T 9430-09, 30 September 2010).

Annex 3

Health and medical care							
All grounds of discrimination							
Year	Sex	Total	Sex, not defined	Sex, female	Sex, male	Sex, transgender identity	Not given
2009		182	19	99	64	-	-
2010		169	3	107	59	-	-
2011		141	3	79	52	4	3
2012		116	1	77	37	1	-
2013		76	3	46	26	3	1
Grounds of discrimination, sex							
Year	Sex	Total	Sex, not defined	Sex, female	Sex, male	Sex, transgender identity	Not given
2009		5	-	3	2	-	-
2010		17	-	12	5	-	-
2011		21	-	12	3	4	2
2012		10	1	6	3	-	-
2013		17	-	13	3	2	-

Social insurance etc.

All grounds of discrimination

Year	Sex	Total	Sex, female	Sex, male
2009		113	71	42
2010		109	58	51
2011		45	18	27
2012		29	15	14
2013		28	15	13

Grounds of discrimination, sex

Year	Sex	Total	Sex, female	Sex, male
2009		32	23	9
2010		31	19	12
2011		10	5	5
2012		9	6	3

2013	8	6	2
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Social services						
All grounds of discrimination						
Year	Sex	Total	Sex, not defined	Sex, female	Sex, male	Not given
2009		110	1	57	52	-
2010		157	5	68	84	-
2011		122	-	56	57	9
2012		119	2	58	61	-
2013		83	3	38	45	-
Grounds of discrimination, sex						
Year	Sex	Total	Sex, not defined	Sex, female	Sex, male	Not given
Total						
2009		20	-	5	15	-
2010		23	-	2	21	-
2011		21	-	7	14	-

2012	14	-	4	10	-
2013	22	1	7	14	-

Woking life							
All grounds of discrimination							
Year	Sex	Total	Sex, not defined	Sex, female	Sex, male	Sex, transgender identity	Not given
2009		793	7	420	365	-	1
2010		763	7	414	342	-	-
2011		728	1	371	355	-	1
2012		504	6	292	206	-	-
2013		637	5	373	258	2	-
Grounds of discrimination, sex							
Year	Sex	Total	Sex, not defined	Sex, female	Sex, male	Sex, transgender identity	Not given
2009		208	-	158	50	-	-
2010		191	-	163	28	-	-

2011	186	1	127	58	-	-
2012	138	-	115	23	-	-
2013	241	-	191	49	1	-

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Education

All grounds of discrimination

Year	Sex	Total	Sex, not defined	Sex, female	Sex, male	Sex, transgender identity	Not given
2009		191	4	93	93	-	1
2010		241	4	123	114	-	-
2011		183	-	86	95	-	2
2012		168	2	77	88	1	-
2013		204	4	89	107	2	2

Grounds of discrimination, sex

Year	Sex	Total	Sex, not defined	Sex, female	Sex, male	Sex, transgender identity	Not given
2009		37	1	26	10	-	

2010	43	-	34	9	-
2011	32	-	20	12	-
2012	25	-	16	9	-
2013	24	-	18	6	-
