

Case 31/2008 – A Hospital, by the ambulance personnel, did not discriminate contrary to Section 4 of the Gender Equality Act in connection with a call to Sofienbergparken, on 6 August 2007.

On the afternoon of Monday 6 August 2007 a man of Somali origin was hit and knocked to the ground in Sofienbergparken. He fell backwards and hit his head on the asphalt.

The parties are in disagreement on what examination the ambulance personnel gave the patient after they arrived at the park and who helped him to his feet and supported him to the ambulance. The witness statements regarding this also differ.

On the way to the ambulance, the patient urinated on the ground so that it splashed on to the trouser leg of one of the ambulance personnel. The ambulance personnel therefore decided not to take him in the ambulance.

The Tribunal found that the injured man received worse treatment than the situation indicated. According to the Tribunal's evaluation the behaviour, use of language and conduct of the ambulance personnel were unprofessional. The Tribunal was of the opinion that the ambulance personnel reacted in an unreasonable manner regarding the patient's urinating. There was also reason to criticize that they left the patient without ensuring that the Police would transport him to the accident and emergency unit.

That a person with another skin colour and another ethnic background than Norwegian has been treated in a negative or unusual way, however, is not sufficient to turn the burden of proof according to Section 10 of the Gender Equality Act. There must also be reason to believe that there is a causal connection between the grounds for discrimination and the negative treatment.

The Tribunal did not find that the negative treatment or erroneous evaluation was due to the patient's ethnicity or skin colour.

The Hospital by the ambulance personnel did not discriminate against the patient contrary to the prohibition against discrimination because of ethnicity or skin colour in Section 4 of the Gender Equality Act.

The Tribunal's decision was unanimous.