

ACT
on Equal Status and Equal Rights Irrespective of Gender

CHAPTER I
Scope, Objective and Glossary

Article 1

Objective

The objective of this Act is to prevent discrimination on the basis of gender and to maintain gender equality and equal opportunities for the genders in all spheres of society. All people shall have equal opportunities to benefit from their own enterprise and to develop their skills irrespective of gender. The term “gender” in this Act means women, men and persons whose gender is registered as neutral in Registers Iceland, unless otherwise stated. This objective shall be reached by the following means, amongst others:

- a. by observing gender equality perspectives and working towards gender and equality mainstreaming in policy-making and decision-taking in all spheres of society,
- b. by working to secure equal influence of women and men in society,
- c. by specifically improving the position of women and increasing their opportunities in society,
- d. by working against pay discrimination and other forms of gender-based discrimination in the employment market, including by having companies and institutions fulfil the conditions of equal pay certification or equal pay confirmation,
- e. by enabling everyone, irrespective of gender, to reconcile their work and family life,
- f. by increasing education and awareness-raising on gender equality,
- g. by analysing statistics according to gender,
- h. increasing research in gender and equality studies,
- i. by working against gender-based violence, gender-based harassment and sexual harassment,
- j. by changing traditional gender images and working against negative stereotypes regarding the roles of women and men,

- k. by promoting gender-neutral classification of jobs,
- l. by focusing especially on the status of people whose gender is registered as neutral in Registers Iceland, and
- m. by working against multiple discrimination.

Article 2

Glossary

For the purposes of this Act, the following definitions shall apply:

- 1. Direct discrimination: When an individual receives, based on gender, treatment less favourable than another individual receives, has received or would receive in comparable situations.
- 2. Indirect discrimination: When an apparently neutral provision, criterion or practice puts individuals of one gender at a disadvantage compared with individuals of another gender, unless this can be objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.
- 3. Multiple discrimination: When an individual is subjected to discrimination on the basis of more than one reason for discrimination that this Act, the Act on Equal Treatment Irrespective of Race or Ethnic Origin, and the Act on Equal Treatment on the Labour Market provide protection against. Multiple discrimination can either be integrated in such a way that two or more reasons for discrimination create a special basis for discrimination, or it can be dual/multiple so that the discrimination is based on two or more independent reasons for discrimination.
- 4. Gender-based harassment: Behaviour linked to the affected person's gender, having the purpose or effect of offending the dignity of the person involved and creating circumstances that are threatening, hostile, degrading, humiliating or insulting for the person in question.
- 5. Sexual harassment: Any kind of sexual behaviour having the purpose or effect of offending the dignity of the person affected by it, especially when this behaviour creates circumstances that are threatening, hostile, degrading, humiliating or insulting for the person in question. The behaviour can be verbal, symbolic and/or physical.
- 6. Gender-based violence: Violence based on gender which results in, or could result in, physical, sexual or psychological injury or suffering on the part of the affected person, including the threat of such, coercion or arbitrary deprivation of freedom, both in private life and in a public venue.

7. Gender and equality mainstreaming: Organising, improving, developing and evaluating the policy-making process in such a way that gender equality perspectives are incorporated in all spheres in the policy-making and decisions of those who are generally involved in policy-making in society.
8. Affirmative action: Special temporary measures that are intended to improve the position of, or increase the opportunities of, women or men, aimed at establishing gender equality in a specific field where there is a gender imbalance. In such cases it may prove necessary to give either gender temporary priority in order to achieve balance. This includes special temporary measures intended to improve the position of, or increase the opportunities of, persons in fields where they are at a disadvantage due to a gender-neutral registration in Registers Iceland, for the purpose of promoting equal treatment.
9. Pay: Ordinary remuneration for work and further payments of all types, direct and indirect, whether they take the form of perquisites or other forms, paid by the employer to the employee for their work.
10. Terms: Pay together with pension rights, holiday rights and entitlement to pay in the event of illness and all other terms of employment or entitlements that can be evaluated in monetary terms.
11. Equal pay certification: A written statement from the certifying body, which is provided with the equal pay certificate, following the certifying body's audit of a company's or institution's equal pay system, in which it is stated that the equal pay system and its implementation meet the requirements of the ÍST 85:2012 standard, in keeping with Article 1c of that standard.
12. Equal pay confirmation: A written statement from the Directorate of Equality, granted to a company or institution that in principle employs 25 to 49 employees per annum, following the company's or institution's submission of documentation showing that the company's or institution's equal pay system and its implementation fulfil the requirements set out in Article 8(2).
13. Number of employees in principle per annum: The average number of employees for any given employer, regardless of employment ratio, who received pay in the last calendar year. The average number per annum is calculated as the combined number of employees during each month of the calendar year, divided by twelve.

Article 3

Administration

The implementation of this Act, including its supervision, the role of the Directorate of Equality in monitoring the implementation of the Act, including the authorisation to levy per diem fines, and on the Equality Complaints Committee, including the provisions on the authorisation to make a complaint and on the procedure before the Committee, is carried out in accordance with the Act on the Administration of Matters Concerning Equality.

CHAPTER II

Rights and obligations

Article 4

General provision concerning the labour market

Employers and trade unions shall systematically work towards equalising the position of women and men in the labour market. Employers shall specifically work towards equalising the position of women and men within their companies or institutions and promote a classification of jobs that does not designate them as specifically women's or men's jobs. Special emphasis shall be placed on equalising the positions of women and men as regards managerial and influential positions.

Employers and trade unions shall take into consideration the labour market position of persons whose gender is registered as neutral in Registers Iceland.

Article 5

Gender equality plans and the mainstreaming of gender equality perspectives into personnel policies

Companies and institutions with 25 or more employees in principle per annum shall set themselves a gender equality plan or mainstream gender equality perspectives into their personnel policy. This shall specifically include, i.e., a statement of objectives and a plan of how they are to be achieved in order to guarantee the employees the rights set out in Articles 6–14. Gender equality plans and gender equality perspectives in personnel policies shall be reviewed at three-year intervals. The gender equality plans of municipal governments are covered by Article 13 of the Act on the Administration of Matters Concerning Equality.

The companies and institutions referred to in Paragraph 1 shall provide the Directorate of Equality with a copy of their gender equality plan, or their personnel policy if they do not have a gender equality plan, together with their implementation plan when the Directorate of Equality so requests. They shall furthermore submit a report on developments in this field, within a reasonable period, to the Directorate of Equality when it so requests. A gender equality plan is considered to have taken effect when the Directorate of Equality has approved it.

In cases where a company or institution referred to in Paragraph 1 has not set itself a gender equality plan or mainstreamed gender equality perspectives into its personnel policy, the Directorate of Equality shall instruct the company or institution in question to remedy the situation within a reasonable time limit. The same shall apply if the Directorate of Equality deems the gender equality plan of a company or institution to be unsatisfactory, or if gender equality perspectives have not been mainstreamed in its personnel policy with sufficient clarity. Where a company or institution referred to in Paragraph 1 fails to comply with instructions given by the Directorate of Equality as provided for in Points 1 and 2, the Directorate of Equality may determine that the company or institution in question is to pay per diem fines until it complies with the instructions, in keeping with Article 6 of the Act on the Administration of Matters Concerning Equality. The same shall apply when a company or institution neglects to provide the Directorate of Equality with a copy of its gender equality plan, or its personnel policy if it has no gender equality plan, and its implementation plan when the Centre for Gender Equality so requests, or if it refuses to submit to the Directorate of Equality a report on the progress made in this regard, in keeping with Paragraph 2.

Other aspects of the Directorate of Equality's administration in connection with gender equality plans and the mainstreaming of gender equality perspectives into personnel policies is covered by Chapter II of the Act on the Administration of Matters Concerning Equality.

Article 6

General provision regarding pay equality

Women, men and persons whose gender is registered as neutral in Registers Iceland shall be paid equal pay and enjoy equal terms of employment for the same jobs or jobs of equal value.

“Equal pay” means that pay shall be determined in the same manner for all persons regardless of gender. The criteria on the basis of which pay is determined shall not involve gender discrimination.

Workers shall at all times be permitted to disclose their pay terms, should they so choose.

Article 7

Equal pay certification

A company or institution with an average of 25 or more employees in principle per annum shall acquire equal pay certification following a certification body's audit of the company's or institution's equal pay system in which it is confirmed that the equal pay system and its implementation meet the requirements of the ÍST 85:2012 standard, in keeping with Article