

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

1c of that standard. Once the equal pay certification has been finalised, the certification body shall send a copy of the equal pay certificate to the Directorate of Equality, together with a report on the outcome of the audit. The equal pay certification shall be renewed every three years. The certification body shall also inform the Directorate of Equality if the audit does not result in equal pay certification and state the reasons for this by submitting a report on the outcome of the audit.

Article 8

Equal pay confirmation

Without prejudice to Article 7, a company or institution which employs an average of 25–49 employees in principle per annum can choose to either undergo an equal pay certification in keeping with Article 7 or to receive an equal pay confirmation from the Directorate of Equality following the submission of documentation showing that its equal pay system and its implementation comply, in the estimation of the Directorate of Equality, with the requirements set out in Paragraph 2. The equal pay conformation shall be renewed every three years.

A company or institution referred to in Paragraph 1 shall be granted an equal pay conformation if the following documentation adequately shows, in the estimation of the Directorate of Equality, that its equal pay system and its implementation do not promote gender-based pay discrimination:

1. The company's or institution's equal pay policy.
2. A gender equality plan or mainstreaming of gender equality perspectives into the personnel policies in keeping with Article 5.
3. The company's or institution's job classification on the basis of predetermined, objective criteria in which the requirements of specific jobs are evaluated, such as with regard to responsibilities, work load, competence and working conditions, so that the same or equally valuable jobs are classified together.
4. A pay analysis based on the job classification in keeping with Point 3, showing the average fixed salary for a day job, fixed additional payments for work and all extra payments divided by gender. The results of the pay analysis as regards gender-based pay differences shall have been made known to the employees of the company or institution and shall be accessible to them, with proper consideration for personal data protection. All aspects of pay and pay terms shall be taken into consideration.
5. A plan on improvements, when applicable.
6. A summary of the findings of the documentation by the highest-up director of the company or institution, in keeping with Points 1–5.

Without prejudice to Paragraph 1, public entities, funds and companies that are 50% or more state-owned and employ 25 or more employees in principle per annum, shall receive equal pay certification in keeping with Article 7.

Article 9

The Directorate of Equality's administration in connection with equal pay certification and equal pay confirmation

When the Directorate of Equality has received an equal pay certificate in keeping with Article 7, along with the certification body's report on the results of the audit, the Directorate of Equality shall grant the company or institution the Equal Pay Symbol for equal pay certification, which is valid for the same length of time as the certification.

When the Directorate of Equality has received the documentation in keeping with Article 8 and has concluded that the documentation complies with the requirements set out in Article 8(2), the Directorate shall grant the company or institution an equal pay confirmation for a period of three years.

The Directorate of Equality shall keep records of the companies and institutions that have received, respectively, equal pay certification in keeping with Article 7 and equal pay confirmation in keeping with Article 8, and shall make these records publicly accessible through the Directorate's website. The records shall include information regarding the name of the company or institution, its identification number and address and the period of validity of the equal pay certification or equal pay confirmation.

The Directorate of Equality shall also keep records of companies and institutions that employ 25 or more employees in principle per annum, that have not received equal pay certification in keeping with Article 7 or equal pay confirmation in keeping with Article 8. These records shall show whether the company or institution in question has requested an audit of its equal pay system and its implementation by a certification body, in order to receive equal pay certification in keeping with Article 7 or has sought equal pay confirmation from the Directorate of Equality in keeping with Article 8.

Other aspects of the Directorate of Equality's administration in connection with equal pay certification or equal pay confirmation are covered by Chapter II of the Act on the Administration of Matters Concerning Equality.

Article 10

The Directorate of Equality's monitoring of equal pay certification and equal pay confirmation

The Directorate of Equality shall monitor to ensure that companies and institutions that employ 25 or more employees in principle per annum receive or renew equal pay certification in keeping with Article 7 or equal pay confirmation in keeping with Article 8. Companies and institutions shall submit to the Directorate of Equality whatever information and documentation the Directorate considers to be necessary to carry out monitoring in keeping with this provision, on pain of per diem fines in keeping with Article 6 of the Act on the Administration of Matters Concerning Equality. If a company or institution has not obtained equal pay certification in accordance with Article 7 or equal pay confirmation in accordance with Article 8, or renewal thereof, or if it fails to provide the necessary information or documentation in accordance with the second sentence, the Directorate of Equality can request the company or institution in question to make the appropriate amendments within a reasonable time limit, on pain of per diem fines in keeping with Article 6 of the Act on the Administration of Matters Concerning Equality.

Other aspects of monitoring in connection with equal pay certification and equal pay confirmation are covered by Articles 5 and 6 of the Act on the Administration of Matters Concerning Equality.

Article 11

Evaluation of the results of equal pay certification and equal pay confirmation

The Minister shall have evaluations made of the process and results of equal pay certification and equal pay confirmation in keeping with Articles 7–10 every three years.

Article 12

Vacancies, vocational training, retraining and continuing education

Vacant positions that are open for application shall be equally accessible to women, men and persons whose gender is registered as neutral in Registers Iceland, however cf. Article 16(2).

Employers shall take necessary measures to ensure that women, men and persons whose gender is registered as neutral in Registers Iceland have equal opportunities regarding retraining, continuing education and vocational training, and to attend courses held to enhance vocational skills or to prepare for other assignments occupations.

Article 13

Reconciliation of work and family life

Employers shall take the measures necessary to enable their employees to reconcile their professional obligations and family responsibilities, irrespective of gender. Such measures shall, inter alia, be aimed at increasing flexibility in the organisation of work and working hours in such a way as to take account of both employees' family circumstances and the needs of the labour market, including facilitating the return of employees to work following maternity/paternity or parental leave or leave from work due to pressing and unavoidable family circumstances.

Article 14

Gender-based violence, gender-based harassment and sexual harassment

Employers and the directors of institutions, civil society organisations and sports and youth organisations shall take special measures to protect their employees, students and clients from gender-based violence, gender-based harassment or sexual harassment in the workplace or institution, social activities or schools.

If a superior is charged with alleged gender-based violence, alleged gender-based harassment or alleged sexual harassment, he or she shall be non-competent to take decisions regarding the working conditions of the plaintiff during the examination of the case, and the next superior shall take such decisions.

Article 15

Education and schooling

Gender and equality mainstreaming shall be observed in all policy-making and planning in the work of schools and educational institutions, including after-school activity centres, and in sports and leisure activities.

At all levels of the educational system, pupils shall receive appropriate instruction on equality and gender issues, including about gender stereotypes, gender-based choice of education and occupation and on matters concerning people with disabilities and queer people.

All educational materials and textbooks shall be designed in such a way as not to discriminate against any gender.

In presentations on educational and vocational opportunities, and in counselling in the schools, all pupils shall receive instruction and counselling regarding the same jobs, irrespective of their gender.

Studies of the status of the genders in Icelandic society shall be enhanced, this applying equally to primary academic research and to applied studies, and their findings shall be disseminated systematically within the educational system and to the media.

The ministry in charge of education affairs shall monitor compliance with gender equality in schools and educational institutions, as well as in after-school activity centres and sports and leisure activities. Furthermore, the ministry in charge of education affairs shall monitor developments in these areas of society as regards gender equality.

A gender equality counsellor shall be employed within the ministry in charge of education and shall pursue the application of the provisions of this Article and advise the relevant parties on gender equality issues, including affirmative action to promote gender equality.

CHAPTER III

Prohibition against discrimination on grounds of gender

Article 16

General prohibition against discrimination

All forms of discrimination, direct or indirect, on grounds of gender, are prohibited. Multiple discrimination is also prohibited. Giving instructions to discriminate on grounds of gender also constitutes discrimination under this Act. Furthermore, gender-based harassment or sexual harassment constitute discrimination under this Act, as does all unfavourable treatment of an individual that may be attributed to the fact that the individual has rejected gender-based harassment or sexual harassment, or has submitted to it.

However, affirmative action shall not be regarded as being contrary to this Act. The same shall apply if there are valid reasons to support employing an individual of a particular gender in view of objective factors relating to the job.

Special consideration to women in connection with pregnancy and childbirth shall not be regarded as discrimination. The same applies to other persons who go through pregnancy and give birth.

Article 17

Prohibition against discrimination in relation to trade in goods and services

All forms of discrimination on grounds of gender, regarding access to or supply of goods as well as access to or granting services, is prohibited. However, this provision does not apply to access to or supply of goods on one hand or to access to or granting services on the other hand in the area of private and family life. Furthermore, this provision does not apply to matters concerning work in the labour market.

All forms of discrimination on grounds of gender when determining insurance premiums or when deciding the amount of compensation due to an insurance contract or in relation to other related financial service, are prohibited. Costs related to pregnancy and childbirth shall not result in differences in individuals' insurance premiums and compensations.

If a likelihood is adduced that a discrimination under this provision has occurred, whether direct or indirect, the person believed to be the discriminator shall demonstrate that the grounds for the treatment are not gender-based unless it can be justified in an objective manner with a legitimate aim in mind, and the means of achieving that aim are appropriate and necessary.

Article 18

Prohibition against discrimination regarding terms of employment

Employers may not discriminate between women, men and persons whose gender is registered as neutral in Registers Iceland, in pay and other terms of employment on grounds of their gender.

If a likelihood is adduced that a woman, a man or a person whose gender is registered as neutral in Registers Iceland, receives different pay for the same work, or for work of equal value, then the employer shall demonstrate, if there is a difference in their pay, that the difference is justified on grounds other than their gender.

Article 19

Prohibition against discrimination at work and on engagement in employment

Employers are prohibited from discriminating between applicants for jobs on grounds of their gender. The same applies regarding promotion, change of position, retraining, continuing education, vocational training, study leave, notice of termination, the working environment and employees' working conditions.

It is prohibited to allow maternity/paternity or parental leave, or other circumstances relating to pregnancy and childbirth, to have a negative effect on decisions under Paragraph 1.

It is prohibited to advertise, or publish an advertisement for, a vacant position indicating that an employee of one gender is preferred over another. The provision of the first sentence shall not apply if the aim of the advertiser is to promote a more equal representation of women and men within an occupational sector, in which case this shall be stated in the advertisement. The same shall apply if there are valid reasons for only advertising for a person of a specific gender.

If a likelihood is adduced that, regarding engagement, assignment or appointment to a post, promotion, change of position, retraining, vocational training, continuing education, study leave, notice of termination, the working environment or employees' working conditions, individuals have been discriminated against on grounds of their gender, the taking of maternity/paternity leave or parental leave, or other circumstances relating to pregnancy and childbirth, then the employer shall demonstrate that the decision was based on grounds other than the individual's gender, the taking of maternity/paternity leave or parental leave, or other circumstances relating to pregnancy and childbirth.

When assessing whether the provisions of Paragraph 1 have been violated, the educational qualifications, working experience, specialised knowledge or other special talents demanded for the relevant positions according to law or regulations, or which must otherwise be considered as being of use in the position, shall be taken into account.

Article 20

Prohibition against dismissal, etc., in connection with a complaint or a demand for redress

Employers may not dismiss an individual for demanding redress on the basis of this Act.

Furthermore, employers shall ensure that employees are not subjected to injustice in their work, e.g. as regards job security, terms of employment or performance assessment, on the grounds of having submitted a complaint or provided information regarding gender-based or sexual harassment or gender-based discrimination.

If a likelihood is adduced that this provision has been violated, the employer shall demonstrate that the dismissal or alleged injustice is not based on the employee's demand for redress, complaint or provision of information regarding gender-based or sexual harassment or gender-based discrimination. This shall not apply if the dismissal takes place more than one year after the employee made the demand for redress under this Act.

Article 21

Prohibition against discrimination in schools and other educational institutions, after-school activity centres and sports and leisure activities

All forms of discrimination on grounds of gender shall be prohibited in schools, other educational institutions, after-school activity centres and organised sports and leisure activities. This prohibition shall be observed in teaching and studies, training, working methods and in day-to-day dealings with pupils and practitioners.

Directors of institutions shall ensure that pupils, practitioners or clients are not made to suffer for having made a complaint concerning gender-based or sexual harassment or gender-based discrimination.

Article 22

Advertisements

Advertisers and those who design or publish advertisements shall ensure that the advertisements are not belittling or disrespectful towards a specific gender and that they do not in any way run contrary to the equal status and equal rights of the genders. Such advertisements may not be published in the media or any other public venue.

Article 23

Prohibition against the waiving of rights

No person may waive the rights set forth in this Act.

CHAPTER IV

The gender equality consultation platform, the Gender Equality Forum and gender equality action programme

Article 24

The Gender Equality Council – a consultation platform and gender equality awards

A gender equality consultation platform, the Gender Equality Council, shall be assembled at least once a year and shall include representatives of the social partners, the academic community and gender equality organisations working within the provisions of this Act. The role of the consultation platform is to act in an advisory role for the Minister's professional policy-making on issues relating to gender equality; the Minister shall meet with the consultation platform once a year.

The gender equality consultation platform, the Gender Equality Council, shall submit its meeting minutes to the Minister. A summary of the consultation platform's meeting minutes shall be published as supporting documentation to the Minister's report, which shall be issued once per legislative period, in keeping with Article 12 of the Act on the Administration of Matters Concerning Equality.

The ministry that handles matters concerning equality is in charge of the administration of the gender equality consultation platform, including making the forum known to the public and offering opportunities for participation. The ministry decides on the consultation platform's other projects at any time and as appropriate. The expenses of the gender equality consultation platform's activities are paid by the State Treasury.

The Minister for equality is authorised to give an annual gender equality award to an individual, company, institution or organisation that has excelled or had a permanent effect in the field of gender equality. The ministry can call for nominations, including from the gender equality consultation platform, and is authorised to appoint a special selection committee to select awardees from the submitted nominations.

Article 25

The Gender Equality Forum

The Minister shall convene a Gender Equality Forum every two years, to discuss gender equality issues. The ministry handling equality matters shall ensure that the Forum's discussions are compiled and submitted to the Minister. The Minister shall determine the programme of each Forum.

The Forum shall be open to all; the ministry handling equality matters shall invite members of Althingi, representatives of national and municipal government institutions, including their gender equality representatives, and representatives of the social partners and civil society organisations with gender equality issues on their agenda.

Participation in the Forum shall be honorary, but other necessary costs of the Forum shall be paid by the Treasury in accordance with the decision of the Minister.

Article 26

Parliamentary resolution on a gender equality action programme

The Minister shall, every four years, submit to Althingi a motion for a parliamentary resolution on a four-year gender equality action programme after having received proposals made by the ministries and after consultation with the Directorate of Equality. Discussions at the Gender Equality Forum (see Article 25) shall also be taken into account. The gender equality action programme shall include projects intended to secure equal status and equal rights for the genders in Icelandic society, in keeping with Article 1. Responsibility for actions and the estimated costs shall be specified in the action programme, as well as the method to be used to evaluate the results of the actions taken.

A report on the status and development of equality matters in keeping with Article 12 of the Act on the Administration of Matters Concerning Equality shall be appended to the motion for the parliamentary resolution on a gender equality action programme.

Article 27

Gender equality representatives

Each ministry shall employ a gender equality representative with an expert knowledge of gender equality issues. The gender equality representative shall deal with, and monitor, gender equality work in the policy areas of the ministry in question and its institutions and shall, inter alia, work on gender and equality mainstreaming in the fields administered by the ministry. Each year, the gender equality representative shall send a report on the status and

developments in gender equality issues in the policy areas of their respective ministries to the Directorate of Equality.

Article 28

Participation in government and municipal committees, councils and boards

When appointments are made to national and local government committees, councils and boards, care shall be taken to ensure as equal a representation of men and women as possible, and not lower than 40% when there are more than three representatives in a body. This shall also apply to the boards of publicly-owned limited companies and enterprises in which the state or a municipality is the majority owner.

When nominations are made to national and local government committees, councils and boards, both a man and a woman shall be nominated. However, the nominating party may deviate from that condition when, in consequence of objective circumstances, this is not possible. In such cases, the nominating party shall explain the reasons for this.

The appointing party may deviate from the condition of Paragraph 1 if the exemption provided for in Paragraph 2 applies.

This provision shall not prevent the nomination and appointment of persons whose gender is registered as neutral in Registers Iceland, to government and municipal committees, councils and boards. This shall also apply to the boards of publicly-owned limited companies and enterprises in which the state or a municipality is the majority owner. However, the ratio of women shall never be less than 40%.

Article 29

Analysis of statistical data

In the compilation of official economic reports on individuals, and in canvassing interviews and opinion surveys, a distinction shall be drawn between the sexes in the collection of data, data processing and the publication of information unless special circumstances, e.g. the protection of personal privacy, argue against doing so.

Additionally, the public authorities shall endeavour to differentiate between the genders in all statistical analysis unless special circumstances, e.g. the protection of personal privacy, argue against doing so.

Article 30

Gender and equality mainstreaming

Gender and equality mainstreaming shall be observed in all policy-making and planning on the part of the ministries and the public institutions operating under their realm. The same shall apply, as appropriate, to all decision-making within ministries and institutions.

CHAPTER V

Sanctions

Article 31

Compensation for financial and non-financial loss

Any party who, criminally and unlawfully, violates the provisions of this Act, shall be liable to pay compensation for financial and non-financial loss according to general rules.

Article 32

Fines.

Violations of Articles 16 to 23 of this Act or of regulations issued by virtue thereof are punishable by fines, unless a more severe punishment applies pursuant to other laws.

CHAPTER VI

Other provisions.

Article 33

Authorisation to Issue a Regulation

The Minister is authorised to issue a regulation on the further application of this Act, such as the further implementation of equal pay certification in keeping with Article 7 and equal pay confirmation in keeping with Article 8, including the further implementation and arrangement of the Directorate of Equality's evaluation of equal pay confirmation in keeping

with Article 8; on how the Directorate of Equality shall carry out its monitoring of equal pay certification and equal pay confirmation in keeping with Article 10; the further implementation and arrangements of the evaluation of the progress and results of equal pay certification and equal pay confirmation in keeping with Article 11; on the qualifications of certification bodies and the use of the Equal Pay Symbol in keeping with Article 9; and on the role of the gender equality consultation platform, the Gender Equality Council, in keeping with Article 24.

Article 34

Entry into force

The present Act shall enter into force forthwith.

The Act on Equal Status and Equal Rights of Women and Men, No. 10/2008, is repealed upon the entry into law of this Act.

Appointments to the Gender Equality Council are cancelled upon entry into force of this Act.

Article 35

Amendments to other legislation

Upon entry into force of this Act, the following amendments will be made to the Government Employees Act, No 70/1996:

a. The following amendments shall be made to Article 6 of the Act:

1. Paragraph 3 reads as follows:

Women, men and persons whose gender is registered as neutral in Registers Iceland shall have an equal right to public employment at equal pay for equivalent work.

2. A new Paragraph shall be added that reads as follows:

It is prohibited to advertise, or publish an advertisement for, a vacant position indicating that an employee of one gender is preferred over another. The provision of the first sentence shall not apply if the aim of the advertiser is to promote a more equal representation of women and men within an occupational sector, in which case this shall be stated in the advertisement. The same shall apply if there are valid reasons for only advertising for a person of a specific gender.

- b. In Article 9, Paragraph 3(1) the words “men and women” are replaced by “employees of different genders”.

Interim Provisions

I.

Companies and institutions employing an average of 150–249 employees in principle per annum shall have received equal pay certification for their equal pay system and its implementation in keeping with Article 7 no later than 31 December 2020. Companies and institutions employing an average of 90-149 employees in principle per annum shall have received equal pay certification for their equal pay system and its implementation in keeping with Article 7 no later than 31 December 2021. Companies and institutions employing an average of 50-89 employees in principle per annum shall have received equal pay certification for their equal pay system and its implementation in keeping with Article 7 no later than 31 December 2022. Companies and institutions employing an average of 25-49 employees in principle per annum shall have received equal pay certification in keeping with Article 7 or equal pay confirmation in keeping with Article 8, for their equal pay system and its implementation no later than 31 December 2022.

Without prejudice to the provision of Article 34(2), the obligation provided for in Paragraphs 1 and 2 of interim provision IV of the Act on Equal Status and Equal Rights of Women and Men, No. 10/2008, shall remain in force for those companies and institutions that were intended to receive equal pay certification before 31 December 2019 but have not fulfilled that legal obligation.

II.

The Minister shall appoint a working group to specifically address pay transparency. The working group’s role is to submit possible proposals for amendments to the law to prevent pay inequality being maintained by imposing pay secrecy in workplaces. The group shall submit its conclusions within one year of the entry into force of this Act. The working group shall be composed of representatives of the employers’ organisations, employees’ organisations, the Icelandic Association of Local Authorities and the Ministry of Industries and Innovation, as well as the Prime Minister’s Office, which shall lead the group.

Katrín Jakobsdóttir.

Section A – Issue date: 05 January 2021