



FORSÆTISRÁÐUNEYTIÐ

Prime Minister's Office

**Act on Equal Treatment on the Labour Market,
No. 86/2018.**

Where mention is made in this Act of 'the minister' or 'the ministry' without further definition, the reference intended is to the Prime Minister or to the Prime Minister's Office, which is responsible for the implementation of this Act. Information on the division of responsibilities between ministries according to a presidential decree may be found [here](#).

SECTION I

Scope, aim and definitions.

Article 1

Scope.

This Act shall apply to the equal treatment of individuals on the labour market, irrespective of their race, ethnic origin, religion, life stance, disability, reduced working capacity, age, sexual orientation, gender identity, sexual characteristics or gender expression, for example as regards:

- a. access to jobs, self-employment or occupational sectors, including as regards engagement and promotion,
- b. access to educational and vocational counselling, vocational education and vocational training,
- c. decisions in connection with wages, other terms of service and notice of termination, and
- d. participation in workers' and employers' organisations, including the prerequisites that they provide to their members.

This Act does not cover differences in the treatment of individuals on the labour market on the basis of their nationality or position as stateless persons. Furthermore, this Act does not cover measures that are prescribed in law and that are necessary with reference to public order, public safety, public health or to protect the rights or freedoms of others. In addition, this Act does not apply to various conditions regarding age in connection with pension rights in pension funds.

This Act does not apply to rights and services within public systems, e.g. as regards rights under the Social Insurance Act, the Local Authorities' Social Services Act, the Unemployment Insurance Act and the Maternity and Paternity Leave Act.

Article 2

Aim.

The aim of this Act is to combat discrimination and to establish and maintain equal treatment of individuals on the labour market, independent of the factors mentioned in the first paragraph of Article 1.

Article 3

Definitions.

For the purposes of this Act, the following terms are used as defined below:

1. *Equal treatment*: When individuals suffer neither direct nor indirect discrimination due to any of the factors mentioned in the first paragraph of Article 1.
2. *Direct discrimination*: When an individual receives less favourable treatment than another individual receives, has received or would receive in comparable situations, due to any of the factors mentioned in the first paragraph of Article 1.
3. *Indirect discrimination*: When an apparently neutral provision, criterion or practice would put some individuals at a disadvantage, due to any of the factors mentioned in the first paragraph of Article 1, compared with others, unless this can be objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.
4. *Harassment*: Conduct which is unwelcome to the person affected by it and is intended to violate the dignity of the person concerned, particularly when the conduct results in situations that are intimidating, hostile, degrading, humiliating or offensive.
5. *Wages*: Ordinary remuneration for jobs and all forms of additional remuneration, direct or indirect, whether in the form of perquisite payments or in another form, which an employer pays to his or her worker for his or her work.
6. *Terms of service*: Wages together with pension rights, holiday rights and entitlement to wages in the event of illness and all other terms of employment or entitlements that can be evaluated in monetary terms.
7. *Life stance*: A stance based on a secular view of life, particular ethical values and morals, together with a defined morality and epistemology.
8. *Disability*: The consequence of impairments and obstacles of various types which occur in the interaction between persons with impairments and their environment and attitudes which prevent them from participating fully and successfully in the community on an equal footing with others. The impairments affecting the individuals concerned are long-term, and the obstacles are of such a nature that the individual will suffer discrimination due to physical, mental or cognitive impairments or impaired sensation.
9. *Reduced working capacity*: A permanent physical, mental or cognitive condition which is inherited or originates subsequently and reduces the individual's working capacity on the labour market.
10. *Age*: A person's age from birth.
11. *Sexual orientation*: An individual's ability to be attracted to or become enamoured of another individual.
12. *Gender identity*: An individual's experience of his or her own gender.
13. *Sexual characteristics*: An individual's chromosomes, sex glands and anatomical features.
14. *Gender expression*: The day-to-day expression by an individual of his or her gender identity.

SECTION II

Administration.

Article 4

Supervision.

The minister shall exercise supervision of matters under this Act.

Article 5

The Centre for Gender Equality.

The Centre for Gender Equality shall be in charge of the application of this Act, and Article 4 of the Gender Equality Act shall apply, as appropriate, including as regards the provisions on per diem fines made in the fifth to the eleventh paragraph of that Article.

Article 6

Authorisation for appeals.

Individuals, companies, institutions or non-governmental organisations that consider that violations of this Act have been committed against them or their members may, in their own name or that of their members, as appropriate, submit their case to the Gender Equality Complaints Committee. Articles 5-7 of the Gender Equality Act shall apply, as appropriate.

SECTION III

Prohibition against discrimination.

Article 7

General.

Discrimination of any type on the labour market, whether it is direct or indirect, due to any of the factors mentioned in the first paragraph of Article 1, shall be prohibited. Orders or instructions involving discrimination due to those factors shall also be regarded as discrimination under this Act, and as harassment when the discrimination is connected with any of the factors listed in the first paragraph of Article 1.

Employers, trade unions and their organisations shall deliberately promote equal treatment on the labour market in accordance with the aim of this Act. Employers shall specifically promote equal treatment of their workers within their enterprises or institutions and prevent discrimination due to any of the factors mentioned in the first paragraph of Article 1.

Article 8

Prohibition against discrimination at work or when workers are engaged.

Employers may not discriminate against applicants for a job due to any of the factors mentioned in the first paragraph of Article 1 (see, however, the second paragraph of Article 1, Article 10, Article 11 and Article 12). The same shall apply regarding promotion, changes in position, retraining, continuous education, vocational training, study leave, notice of termination, working conditions and other terms of service for workers.

Discrimination due to any of the factors mentioned in the first paragraph of Article 1 in advertisements of job vacancies, and the publication of such advertisements, is prohibited (see, however, the second paragraph of Article 1, Article 10, Article 11 and Article 12).

Article 9

Prohibition against discrimination regarding wages and other terms of service.

Employers may not discriminate between their workers due to any of the factors mentioned in the first paragraph of Article 1 as regards wages and other terms of service, providing that they are engaged in the same jobs or jobs of equal worth.

Workers shall at all times be permitted to reveal their terms of service if they choose to do so.

Article 10

Appropriate adaptation.

Employers shall take appropriate measures, if they are needed in a particular instance, to enable an individual with disabilities or an individual with reduced working capacity to have access to, and to participate in, a job, to benefit from promotion at work or to receive training, providing that such measures are not excessively encumbering for the employer.

Article 11

Deviations due to work-related characteristics or affirmative action.

Different treatment on the basis of any of the factors mentioned in the first paragraph of Article 1 shall not be regarded as violation of this Act if it is based on the nature of the activity in question or on the context existing at the time when the activity takes place, providing that demands for such work-related characteristics have a lawful aim and do not exceed what is necessary.

Special temporary measures that are intended to improve the position of individuals on the labour market in those areas where they are at a disadvantage due to any of the factors mentioned in the first paragraph of Article 1 and are aimed at promoting equal treatment on the labour market, are not incompatible variance with this Act.

Article 12

Deviations on grounds of age.

Differences in treatment due to age shall not be considered as violating this Act if objective reasons are cited for them, these being justified by a legitimate aim, including a policy on employment policy or other aims concerning the labour market, providing that such measures do not exceed what is necessary in order to achieve the intended aim.

Article 13

Protection against unjust treatment at work.

Employers may not dismiss workers from their jobs because they have complained about, or brought a charge against, discrimination due to any of the factors mentioned in the first paragraph of Article 1 or demanded corrective action on the basis of this Act. Furthermore, employers shall ensure that workers are not made to suffer in their work as a consequence of having complained about, or brought a charge against, discrimination or demanded corrective action on the basis of this Act.

If, however, an alleged violation under the first paragraph occurs more than one year after the complaint, charge or demand for corrective action was stated under this Act, the view shall not be taken that this constitutes a violation under the first paragraph.

Article 14

Prohibition against the waiving of rights.

The rights provided for under this Act may not be waived.

Article 15

Burden of proof.

If a case is made to the effect that discrimination under the provisions of this Act has taken place, the party who is alleged to have practised discrimination shall demonstrate that the reasons on which the treatment was based was not connected with any of the factors mentioned in the first paragraph of Article 1.

SECTION IV

Sanctions.

Article 16

Compensation for financial or 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 the ordinary rules.

Article 17

Fines.

Violations of this Act or of regulations issued hereunder may entail fines unless more severe punishment is prescribed under other acts of law.

The Code of Criminal Procedure shall apply as regards procedure in cases concerning violations of this Act, or of regulations issued hereunder.

Fines shall be paid to the Treasury.

SECTION V

Other provisions.

Article 18

Authorisation for regulations.

The minister may issue regulations on the application of this Act in further detail.

Article 19

Commencement.

This Act shall take effect on 1 September 2018. The provisions of this Act shall not apply to discrimination on grounds of age (*cf.* the first paragraph of Article 1) until 1 July 2019.

Passed by the Althingi on 11 June 2018.

[This translation is published for information only.

The original Icelandic text is published in the Law Gazette.

In case of a possible discrepancy, the original Icelandic text applies.]