



## **European network of legal experts in gender equality and non-discrimination**

### **NEWS REPORT**

<b>Country:</b>	Iceland
<b>Title:</b>	Temporary appointment of two male inspectors violates the Gender Equality Act
<b>Date:</b>	20 July 2015
<b>Expert:</b>	Herdís Thorgeirsdóttir
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Job assessment for appointing temporary police inspectors biased towards males
<b>Ground of discrimination:</b>	Sex
<b>Source:</b>	National equality body
<b>Field:</b>	Employment
<b>Applicable law:</b>	Gender Equality Act (GEA) No. 10/2008 (Article 26)

### **Content**

**Case:** The Gender Equality Complaints Committee issued a ruling on 28 April 2015 in case no. 6/2014 brought against the Ministry of Interior (head of the nine districts of the Office of the National Commissioner that administers police affairs). The claimant, a woman police officer, had applied for the position of police inspector alongside three male applicants.

There were 51 applications for the three vacant positions of police inspectors. An evaluation committee was appointed by the head of police of the metropolitan area to prepare the hiring process and assess the qualifications and capabilities of the applicants. Twenty-five applicants were interviewed, from which ten were selected for a second interview. The claimant passed the first stage but not the second. Three men were temporarily appointed in May 2014, and the claimant requested feedback in July, which she received the following day. The feedback from the chief of police stated that her rating was lower than that of those appointed. Following this she asked for more evidence documenting her experience, and claimed that the memos she received demonstrate that her managerial experience, including acting as a police inspector in the United Nations police force, had been ignored, whereas the job experiences of the male applicants had been examined in much more detail.

**Decision of the Court:** The Gender Equality Complaints Committee said that when assessing whether the provision prohibiting discrimination in work and engagement in employment has been violated, the educational qualifications, working experience, specialised knowledge, or other special talents must be taken into account. After examining the hiring process of the case the Committee concluded that the respondent had not evaluated the capabilities of the claimant on an objective basis. The Committee came to this conclusion as the method

used by the district police to assess the qualities of the applicants was based on the number of police reports in the police's case collection. This was not considered a satisfactory paradigm; and the Committee furthermore assessed that the exam the applicants were required to take was neither an objective nor fair assessment of their capabilities.

The Committee held that her qualifications had been underrated and that the respondent had discriminated against the claimant without being able to demonstrate that grounds other than gender had been the determining factor for the difference in treatment.

The Committee held that there had been a violation of Article 26 of the Gender Equality Act No. 10/2008 (the GEA), which prohibits employers from discriminating between applicants for jobs on the ground of their gender. The same rule applies to promotions, and the claimant had demonstrated that the evaluation of applicants had not been objective.

**Key points of analysis:** The Gender Equality Complaints Committee held in this case that there had been discrimination on the ground of gender on engagement in employment as the administrative hiring process had not been objective. It held that the claimant's qualifications had been underrated.

**Internet link source:**

(all accessed 20 July 2015)

<http://www.urskurdir.is/Felagsmala/KaerunefndJafnrettismala/nr/7596>

<http://www.visir.is/log-brotin--karlar-fengu-forgjof-thegar-radid-var-i-yfirmannsstopu-hja-logreglu/article/2015706229981>