



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

### **NEWS REPORT**

<b>Country:</b>	Iceland
<b>Title:</b>	Man's wages decreased following a ruling from the Gender Equality Complaints Committee
<b>Date:</b>	20 July 2015
<b>Expert:</b>	Herdís Thorgeirsdóttir
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Wages of man decreased to 'correct' discrimination
<b>Ground of discrimination:</b>	Sex
<b>Source:</b>	National equality body
<b>Field:</b>	Equal pay
<b>Applicable law:</b>	Gender Equality Act (GEA) No. 10/2008 (Article 19, Article 25)

### **Content**

**Case:** An overhaul of the wage system used by the municipality of Kopavogur is required after the Gender Equality Complaints Committee (the Committee) found the system to be in violation of the wage equality clause in Article 19 of the Gender Equality Act (GEA). As a consequence, the way in which jobs are advertised is also under revision.

The claimant, a woman with a university diploma, worked as a payment officer. Her male colleague, also a payment officer, held a university Bachelor of Arts degree, along with a license to teach. Her male colleague received his wages according to the agreement of the Association of Academics, whereas the claimant's wages were calculated according to the agreement of the municipality's trade union. The man's wages were 7 % higher than the claimant's.

The Kopavogur municipality trade union brought a claim before the Committee on behalf of the woman employee, complaining that she had been subject to wage discrimination that amounted to a breach of the Gender Equality Act (GEA).

The municipality reasoned before the Gender Equality Complaints Committee that an evaluation of the jobs of claimant and her male colleague had been performed three times, and the evaluations had consistently led to the conclusion that the man's job was of more value. It also claimed that the job evaluation had been gender neutral. The municipality further maintained that there was objective basis for the wage difference between the claimant and her colleague, as the man had more educational qualifications. It claimed that the difference in education was widely accepted as constituting grounds for paying higher wages to someone with a university education.

**Decision of the Committee:** The Committee referred to Article 25 of the GEA, which prohibits employers from discriminating between women and men in wages and other terms of employment on ground of their gender. If it is likely that a woman and a man working for the same employer receive different wages for the same work or for work of equal value, then the employer must demonstrate that the difference is based on grounds other than gender. The Committee found that the job of the claimant and of the higher paid male colleague was of equal value, and that the difference in education did not justify the difference in wages. Since the employer was unable to prove that the difference in their wages could be explained on grounds other than gender, the municipality had violated the GEA.

Following its decision, the municipality decided to pay the man according to the same trade union agreement as the claimant, and his wages decreased accordingly.

**Key points of analysis:** The Committee's ruling will lead to an overhaul of the terms of the wage system applicable to the Kopavogur municipality's employees with university degrees. Job advertisements will also be revised, and care will be taken to avoid requesting educational requirements in advertisements that are not necessary for the job in question.

**Internet link source:**

(all accessed 20 July 2015)

<http://www.urskurdir.is/Felagsmala/KaerunefndJafnrettismala/nr/7185>

[http://www.mbl.is/frettir/innlent/2015/01/31/laun\\_karls\\_laekkudu\\_vegna\\_kaeru/](http://www.mbl.is/frettir/innlent/2015/01/31/laun_karls_laekkudu_vegna_kaeru/)