



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

NEWS REPORT

Country:	Sweden
Title:	Amendments to the (2008:567) Discrimination Act
Date:	6 October 2016
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<u>Context</u>	
Issue at stake:	A new chapter 3 on 'active measures' – on inter alia equal pay monitoring – enters into force 1 January 2017
Ground of discrimination:	All grounds
Source:	Legislation
Field:	Equal pay
Applicable law:	Chapter 3 the (2008:567) Discrimination Act as amended by SFS (2016:828)

Content

Law development: The Swedish parliament has now accepted Government bill 2015/16:135 concerning an overarching framework for active measures in the (2008:567) Discrimination Act (DA). The new rules will enter into force as of 1 January 2017 (SFS 2016:828).

The amendment implies that the former chapter 3 of the DA on so-called active measures as of 1 January 2017 will be replaced by a new one. As before, the requirement of active measures cover working life and education but now on all grounds regulated in the DA (sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation and age).

From a gender perspective, the replacement of equality plans and pay action plans by a more generalised requirement on 'written documentation' concerning active measures work is perhaps the most important change, along with somewhat elaborated rules on yearly wage monitoring. All employers, despite size, have a duty to carry out active measures work concerning working conditions, wages, recruitment and promotion, vocational training and the reconciliation of work and parenthood. This work shall be carried out in cooperation with the employees.

The rules on wage-monitoring are now regulated in Sections 8-10. As before, any employer is obliged to make an inventory and analysis of wage setting practises as well as the gender pay gap between men and women performing equal work or work of equal value – but now on a yearly basis instead of every three years. The analysis must in particular concern differences between women and men performing work regarded as equal, workers performing work considered to be dominated by women and a group not dominated by women performing work of equal value. In addition, a (new) group of employees performing work considered to be dominated by women and a group of workers performing work not considered dominated by women but awarded higher wages despite working requirements considered to be lower. Former plan requirements are thus

now replaced by a general requirement of written documentation of active measures work, including wage monitoring. These requirements apply to employers employing 10 or more employees with regard to wages (Section 14) and as other areas are concerned to employers employing 25 or more employees (Section 13). In the area of education, former rules on yearly equality plans (covering all grounds) are equally replaced by the requirement of 'written documentation'.

Key points of analysis: From a gender point of view, these new rules imply a strengthening of the requirements on active measures work especially on behalf of employers. It must now be carried out on a yearly basis instead of every three years, something which may have a positive impact on sex equality developments. The fact that the former plan requirements are replaced by a more general requirement on 'written documentation' is more difficult to evaluate. A good thing is however that such written documentation on wage monitoring is now required by employers with 10 or more employees and not 25 or more, as was the case before.

Internet link source:

<http://www.do.se/om-do/pressrum/aktuellt/aktuellt-under-2016/nya-regler-ska-starka-...>
accessed 2 October 2016.