



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

### NEWS REPORT

<b>Country:</b>	Iceland
<b>Title:</b>	Man discriminated against on engagement in employment
<b>Date:</b>	7 February 2017
<b>Expert:</b>	Herdís Thorgeirsdóttir
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Man discriminated against in applying for job
<b>Ground of discrimination:</b>	Sex
<b>Source:</b>	National equality body
<b>Field:</b>	Employment
<b>Applicable law:</b>	Gender Equality Act No. 10/2008 <sup>1</sup>

### **Content**

**Case:** District Commissioner found to have violated Article 26 (1) of the Gender Equality Act No. 10/2008 which prohibits an employer from gender discrimination on engagement in employment.

**The facts of the case:** The Office of the District Commissioner advertised three vacant posts in April 2016 in the field of reception, general office work and assistance with legal matters. There were 54 applicants, seven were invited for job interviews, of which two were male and five female. The male claimant was not among those called for an interview. Out of the seven interviewees, two men and two women were offered the jobs and all declined. The three remaining women were offered the jobs and the man received an email where he was informed of the decision. He complained to the Gender Equality Complaints Committee when he found out that one of the women hired was his fellow student at the law faculty, pointing out that there were numerous more women working for the District Commissioner and that he was equally qualified as the women who were hired.

**Decision of the Court:** The Gender Equality Complaints Committee (the Committee hereafter) delivered a ruling on 30 January 2017 finding the Reykjavík District Commissioner to have violated the Gender Equality Act No. 10/2008 (GEA hereafter) in appointing three women but ignoring a male applicant for the same job, whilst it was evident that he had more professional experience than the women who were hired.<sup>2</sup>

The Committee held that the District Commissioner had not been able to prove that other factors than gender had determined the decision when the women were hired.

The defendant assessed the qualifications of the applicants based on job experience in the area of service, where applicants had had direct contact with the receivers or customers. The Committee held that the man's application showed more experience than

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<sup>1</sup> [https://eng.velferdarraduneyti.is/media/acrobat-enskar\\_sidur/Act-on-equal-status-and-equal-rights-of-women-and-men-no-10-2008-as-amended-16.pdf](https://eng.velferdarraduneyti.is/media/acrobat-enskar_sidur/Act-on-equal-status-and-equal-rights-of-women-and-men-no-10-2008-as-amended-16.pdf)

<sup>2</sup> Case No. 4/20016.

that of one of the female applicants who was invited for an interview. This comparison ought to have given the defendant incentive to interview the man who was not given an opportunity to further prove his qualifications. The reasoning of the defendant, that the claimant had not revealed special interest in getting the job, ought to have been checked in an interview as they did with the female applicants. The Committee ruled that the District Commissioner had violated Article 26, para 1, which prohibits employers from gender discrimination on engagement in employment.

**Internet link source:**

<http://www.urskurdir.is/Felagsmala/KaerunefndJafnrettismala/2017/01/30/mal-nr-4-2016-1>

<http://www.ruv.is/frett/syslumadur-snidgekk-karl-og-braut-log>