



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

NEWS REPORT

Country:	Iceland
Title:	Adoption of legislation on equal treatment in the labour market irrespective of race, ethnic origin, religion/belief, disability, diminished work ability, age, sexual orientation and gender identity, biological gender characteristics and gender expression
Date:	12 September 2018
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Issue at stake:	Adoption of anti-discrimination legislation
Ground of discrimination:	Race, ethnic origin, religion/belief, disability, diminished work ability, age, sexual orientation and gender identity, biological gender characteristics and gender expression
Source:	Act on Equal Treatment in the Labour Market No. 86/2018, 25 June 2018 [<i>Lög um jafna meðferð á vinnumarkaði nr. 86/2018 frá 25. júní 2018</i>]
Field:	Employment and occupation

Content

The Icelandic parliament has adopted a new act prohibiting direct and indirect discrimination on the grounds of race, ethnic origin, religion/belief, disability, diminished work ability, age, sexual orientation, gender identity, biological gender characteristics and gender expression in the labour market. This is the first anti-discrimination legislation adopted in the country for grounds other than gender. The act is in line with Directive 2000/78/EC. The act will enter into force on 1 September 2018, except for provisions on differential treatment based on age, which will enter into force on 1 July 2019.

The act defines the concepts of discrimination, instructions to discriminate, harassment, and victimisation in accordance with the provisions of Directive 2000/78/EC. It also sets out definitions of race, ethnic origin, religion/belief, disability, diminished work ability, age, sexual orientation, gender identity, biological gender characteristics and gender expression.

The legislation applies to both public or private sectors, in relation to:

- conditions of access to employed or self-employed activities, including selection criteria and recruitment conditions and including promotion;
- vocational guidance and training;
- employment and working conditions (including dismissals and pay);
- membership of and involvement in an organisation of employers or workers and benefits provided for by such organisations.

The act does not cover differences of treatment based on nationality or statelessness or payments of any kind made by State social security or social protection schemes, e.g. unemployment benefits, parental leave payments and municipal social services. Measures

for public security, order, prevention of crime and protection of health and the rights and freedoms of others are exempt and justified differences of treatment on grounds of age are permitted.

Employers are obliged to provide reasonable accommodation for disabled persons or people with diminished work ability and positive action is permitted.

The Centre for Gender Equality will monitor the implementation of the legislation. Individuals, corporations, institution and non-governmental organisations can bring complaints to the Gender Equality Complaints Committee, because of alleged violations of the against them or their members, either on their own behalf or in support of the complainant. The respondent bears the burden of proof. Violations may be punishable by fines unless heavier penalties are prescribed in other statutes. The act also provides for pecuniary and non-pecuniary compensation.

Key points of analysis: The act is in line with the provisions of Directive 2000/78/EC but adding *gender identity*, *biological gender characteristics* and *gender expression* as protected grounds. The ground *diminished work ability* is also listed; this is added to strengthen the disability ground as in Icelandic it has generally been interpreted narrower than the English term. The aim is to address discrimination based on disability – irrespective of whether the disability affects work ability - and discrimination based on long-term diminished work ability which can be the result of illness or accident. The explanatory notes further envisage that multiple discrimination can be addressed under the law. There are no explicit provisions on information activities, but this can be considered to fall under the role set out for the Centre for Gender Equality in relation to the law.

Internet link source: www.althingi.is/altext/148/s/1258.html.