

ACT
on the Administration of Matters Concerning Equality

CHAPTER I
Scope and supervision

Article 1
Scope

This Act applies to administration in the field of equality within the area covered by laws on equality, i.e. the Act on Equal Status and Equal Rights Irrespective of Gender, the Act on Equal Treatment Irrespective of Race or Ethnic Origin, and the Act on Equal Treatment on the Labour Market. This Act applies, inter alia, to the activities of the Directorate of Equality and the Equality Complaints Committee.

Article 2
Supervision

The Minister supervises the implementation of this Act, unless expressly provided otherwise.

CHAPTER II
The Directorate of Equality

Article 3
The Directorate of Equality

The Directorate of Equality is a special institution under the administration of the Minister. It handles administration of all matters concerning equality covered by this Act, in keeping with Article 1.

The Minister appoints the managing director of the Directorate of Equality for a period of five years at a time. The managing director is in charge of the daily running of the Directorate of Equality and the hiring of its staff.

Article 4

The role of the Directorate of Equality

The tasks handled by the Directorate of Equality on the basis of the equality acts referred to in Article 1 include:

- a. Monitoring the implementation of the acts;
- b. Handling educational and information activities in the field of equality;
- c. Giving advice and assistance in the field of equality;
- d. Forwarding comments and proposals to the Minister and other authorities, on actions to be taken to promote equality, e.g. as regards specific measures in the field of equality;
- e. Encouraging active participation in equality-related activities, including increased participation in gender equality activities by men;
- f. Monitoring the development of equality matters in the community, e.g. by gathering information and making evaluations and taking the initiative to making reports, surveys or research in the field of equality;
- g. Working on preventative measures against gender-based violence, gender-specific harassment and sexual harassment in collaboration with other authorities and organisations that specifically work on such preventative measures, cf. the Act on Equal Status and Equal Rights Irrespective of Gender;
- h. Working to eliminate pay inequality and other discrimination in the labour market, with a special emphasis on eliminating gender-based pay inequality in keeping with the Act on Equal Status and Equal Rights Irrespective of Gender;
- i. Seeking to settle disagreements regarding the provisions of the Act that are brought before the Directorate of Equality, if the Directorate considers it appropriate;
- j. Working against negative gender ideas and negative gender stereotypes regarding the role of women and men, as well as negative stereotypes based on race, ethnic origin, religion, life stance, disability, reduced working capacity, age, sexual orientation, gender identity, gender characteristics and gender expression;
- k. Overseeing the administration of equal pay certification and equal pay confirmation in keeping with Article 9 of the Act on Equal Status and Equal Rights Irrespective of Gender; monitoring equal pay certification and equal pay confirmation in keeping with Article 10 of that Act; and granting equal pay confirmation in keeping with Article 8 of that Act;
- l. Working on other projects in keeping with the objective of the Acts, in accordance with the Minister's decision.

Article 5

Information-gathering and controls

Institutions, companies and civil society organisations are obliged to supply the Directorate of Equality with any general information that is vital to its activities on the basis of the equality acts referred to in Article 1.

Should the Directorate of Equality have a reasoned suspicion that an institution, company or civil society organisation has violated the equality acts referred to in Article 1, it shall check whether there is reason to request that the matter be brought before the Equality Complaints Committee. The institution, company or civil society organisation in question is obliged to supply the Directorate of Equality with the information and data it considers to be necessary to establish the facts of the case. If the entity in question does not respond to this request from the Directorate of Equality within a reasonable time limit, the Directorate can decide that the entity shall be subject to per diem fines until the requested information and data have been supplied, in keeping with Article 6. Should the Directorate of Equality request that the Equality Complaints Committee address the case, the entity in question shall be notified thereof in writing. However, this provision only applies to cases that may pertain to the interests of many and have, according to the Directorate of Equality, a general application.

If the complainant so requests, the Directorate of Equality shall see to it that instructions regarding specific improvements in the Equality Complaints Committee's ruling are enforced in an appropriate manner. To that effect, the Directorate of Equality can issue instructions to the entity in question to take specific measures in accordance with the ruling, within a reasonable time limit, subject to per diem fines in keeping with Article 6, until the instructions have been complied with.

Article 6

Per diem fines

Should an entity not respect the Directorate of Equality's request for data or information or not comply with the Directorate's instructions in keeping with Article 5(2 and 3) of this Act, or Article 5(3) or Article 10(1) of the Act on Equal Status and Equal Rights Irrespective of Gender, the Directorate of Equality can levy per diem fines against the entity in question until the appropriate improvements have been made.

Per diem fines can amount to as much as 50 000 ISK per day, starting on the day when they are determined and ending on the day when the Directorate of Equality considers the obligation to have been fulfilled. Things to be taken into account when determining a per diem fine include the number of employees of the company, institution or civil society organisation in question, the scale of the operations and the nature and severity of the case.

The Directorate of Equality levies per diem fines by special decision. Entities subject to a decision to levy per diem fines shall be given the opportunity to submit a written objection within a reasonable time limit before the Directorate of Equality makes its decision regarding per diem fines. A decision on a per diem fine shall be notified to the entity concerned in a verifiable manner.

The Decision to levy per diem fines in keeping with Article 5(3) shall be cancelled if the Equality Complaints Committee's ruling is referred to a court of law.

The Directorate of Equality's Decision to levy per diem fines can be appealed to the Minister. An appeal to the Minister does not, however, delay the judicial effects of the Decision to levy per diem fines, however, see paragraph 7 of this provision.

The Directorate of Equality's Decisions to levy per diem fines are enforceable by levy of execution and the per diem fines accrue to the State Treasury, minus the cost of the recovery.

An appeal to the Minister or a court action shall delay the levy of execution.

CHAPTER III

The Equality Complaints Committee

Article 7

Appointment

The Minister shall appoint, in keeping with a nomination by the Supreme Court of Iceland, three representatives of the Equality Complaints Committee for a period of three years at a time, including both the chairperson and deputy chairperson. They shall all have a master's degree in law or a comparable degree and at least two of them, including the chairperson, shall have specialist knowledge in the field of equality. At least one of them shall have specialist knowledge in the area of gender equality and one of equality in a more wide-ranging sense. The chairperson and deputy chairperson, who shall also be a full member, shall

fulfil the conditions for eligibility for office as a district court judge. An equal number of substitute members shall be appointed in the same manner.

The Equality Complaints Committee may seek the advice and assistance of experts in the field if it considers it necessary.

Article 8

Role, cost of proceedings, participation in the defence, etc.

The Equality Complaints Committee handles complaints submitted to it in keeping with the equality acts referred to in Article 1, and gives a written ruling regarding whether or not the provisions of those acts have been violated. If the Equality Complaints Committee concludes that there has been violation of the provisions of the acts, it may, in its ruling, instruct the entity in question to make specific improvements.

The Complaints Committee operates as an independent and autonomous entity and its rulings can not be appealed to a higher authority.

The Complaints Committee's rulings are binding for the parties to the case. The parties to the case may refer the Committee's rulings to the courts of law. If a party to a case refers the ruling of the Equality Complaints Committee to the courts within eight weeks of the publication of the ruling, the judicial effects of the ruling are suspended. A party to a case may petition for an accelerated procedure before the courts. If a petition for an accelerated procedure is denied, the court action shall be initiated as soon as possible after the petition is submitted, and in any case no later than within thirty days from the denial. The delay of the judicial effects of the ruling shall cease to apply if the if court proceeding are not initiated within thirty days from the judge's denial of an accelerated procedure. Should a case be brought before the courts due to the Committee's ruling, it may defer the handling of comparable cases it has accepted for processing until a judgement is passed in the case.

The Equality Complaints Committee can decide, if it rules in favour of the complainant, that the entity to which the complaint refers shall pay the complainant's cost of proceedings before the Equality Complaints Committee.

If the Equality Complaints Committee's ruling is in favour of the complainant but the opposing party is not willing to accept the ruling and refers the case to the courts for annulment, the Equality Complaints Committee and the complainant shall be the defendants. The complainant's costs of proceedings before the district court, the Landsréttur Appeal Court and the Supreme Court shall be paid from the State Treasury.

If the Equality Complaints Committee finds that a complaint is clearly unfounded, the Committee can rule that the complainant shall pay the opposing party's costs of the proceedings. A levy of execution may be carried out without a prior judgement of enforcement of the claim for the cost of the proceedings.

The expenses of the Equality Complaints Committee's activities are paid by the State Treasury.

Article 9

Participation, time limit for complaints, and proceedings

Individuals, companies, institutions and civil society organisations that consider that violations of the equality acts referred to in Article 1 have been committed against them may, on their own behalf or that of their members, as appropriate, submit their case to the Equality Complaints Committee.

The Directorate of Equality can request that such matters be brought before the Equality Complaints Committee, in keeping with Article 5, paragraph 2(1).

Complaints shall be submitted to the Committee in writing no later than six months after it becomes apparent that a supposed violation of the equality acts referred to in Article 1 has been committed, from the time the situation that is considered to be a violation of said acts ends or since the time the person the case pertains to became aware of the supposed violation. If justification is sought on the basis of the Administrative Procedures Act, the time limit starts when that justification is submitted. The Equality Complaints Committee can, under exceptional circumstances, decide to start processing a complaint even though the above-mentioned time limit has expired, however never if more than a year has passed.

The Equality Complaints Committee can, in consultation with the complainant, send a case to the Directorate of Equality for mediation.

The Equality Complaints Committee shall issue a ruling as soon as possible and no later than two months after the end of the information gathering process.

Procedures before the Equality Complaints Committee shall by default be in writing; however, the Committee can invite the parties to the case or their representatives to appear

before the Committee if it considers it necessary. All other Equality Complaints Committee proceedings are governed by the Administrative Procedures Act and further rules which the Minister is empowered to put in place after receiving the opinion of the Equality Complaints Committee thereof.

Article 10

Information-gathering

The Equality Complaints Committee shall ensure that a party to a case is given the opportunity to comment on the subject of the case before the Committee makes its ruling, should it consider that neither this party's opinion nor their reasoning is present in the case documentation.

The Equality Complaints Committee can, at the request of the opposing party, request that a party to a case submit documentation that it believes can affect the outcome of the case.

The Equality Complaints Committee can request further documentation from the parties to a case if it considers there to be a lack of information on the case.

If any documentation is submitted to the Equality Complaints Committee that pertains to the wages, benefits or right of individuals who are not parties to the complaint in question, the Equality Complaints Committee shall inform those individuals that this information has been submitted. Such information shall be treated as confidential.

If the Equality Complaints Committee is handling a case that concerns the hiring, nomination or appointment to a job position, it can, if it considers it necessary, gather further information regarding the case from the individual to whom the position was given, in order to sufficiently investigate the details of the case in keeping with Article 10 of the Administrative Procedures Act.

When a case can be expected to have a policy-making effect on the labour market as a whole, the Equality Complaints Committee shall seek the opinions of the cross-industry organisations of both workers and employers before issuing a ruling.

Article 11

Publication of rulings, and Annual report

The Equality Complaints Committee shall, by default, publish its rulings two weeks following the ruling, in an accessible and organised manner. Neither the name of the complainant nor those of other individuals may be identified in the official publication of rulings. Additionally, any personal information, such as regarding terms of employment and such matters, shall be left out. The name of the party against whom the complaint was made shall by default be included in the ruling.

The Committee shall submit an annual report on its activities to the Minister, who shall publish it in an accessible manner. The report shall lay out the main findings and conclusions that can be deducted from the Committee's rulings.

CHAPTER IV

Miscellaneous provisions

Article 12

Report on the status and developments of equality matters

The Minister shall issue a report on the status and developments of equality matters once each electoral term. The Minister's report shall include an evaluation of the status and results of the actions in the applicable the parliamentary resolution on a gender equality action programme, in keeping with Article 26 of the Act on Equal Status and Equal Rights Irrespective of Gender, as well as a discussion of the status and developments of equality matters in the main areas of society. The report on the status and developments of equality matters shall accompany the proposal for the parliamentary resolution on a gender equality action programme.

Article 13

Municipal governments' equality plans

Municipal governments shall, following each municipal election, ensure that each municipality makes a plan on objectives and actions to prevent discrimination for the electoral term that is starting, in keeping with the Act on Equal Status and Equal Rights Irrespective of Gender, the Act on Equal Treatment on the Labour Market and the Act on Equal Treatment Irrespective of Race or Ethnic Origin, which shall, inter alia, include the ways in which gender and equality perspectives shall be included in all policy areas. The plan shall include objectives and actions to promote equality and equal treatment in the allocation of funds, in the municipal services and employee matters, inter alia how to ensure that employees can be ensured the rights provided for in Articles 6–14 of the Act on Equal Status and Equal Rights Irrespective of Gender. The plan shall be submitted for approval by the municipal government

in question no later than one year following municipal elections, and its progress shall then be discussed annually by the municipal government and revised as needed.

The municipal government shall entrust the local executive body (*Byggðaráð*) or another standing municipal committee to handle the municipality's equality matters and to oversee, with support from municipal employees, the preparation of the plan and its implementation.

Municipal governments are not obliged to also make an equality plan or to integrate the equality dimension into their human resources policy in keeping with Article 5 of the Act on Equal Status and Equal Rights Irrespective of Gender.

The Directorate of Equality shall supervise the implementation of this provision and support the municipalities in their implementation of it.

Article 14

Equality counsellors

The Minister is authorised to hire an equality counsellor who shall work temporarily on equality matters in a specific field and/or specific region.

Article 15

Authorisation to issue a regulation

The Minister is authorised to issue a regulation on the specifics of the implementation of this Act, such as on the activities and organisation of the Directorate of Equality, including the levying of per diem fines determined by the Directorate of Equality in keeping with Article 6, and on the activities of the Equality Complaints Committee and the secretariat, including on complaints submitted to the Committee, its working procedures, handling of cases and publication of rulings.

Article 16

Entry into force

The present Act shall enter into force forthwith.

Article 17

Amendments to other legislation

When this Act enters into force, the following amendments are made to other Acts:

1. The Act on Equal Treatment on the Labour Market., No 85/2018:
 - a. This amendment does not concern the English version of the Act.
 - b. Article 4 of the Act shall read as follows, including the heading:

Administration

The implementation of this Act, including its supervision, the role of the Directorate of Equality in monitoring the implementation of the Act, including the authorisation to levy per diem fines, and on the Equality Complaints Committee, including the provisions on the authorisation to make a complaint and on the procedure before the Committee, is carried out in accordance with the Act on the Administration of Matters Concerning Equality.

- c. Articles 5 and 6 are deleted.
 - d. Article 17 of the Act shall read as follows:

Violations of Articles 7 to 11 and 13 to 14 of this Act or of regulations issued by virtue thereof are punishable by fines, unless a more severe punishment applies pursuant to other laws.

2. The Act on Equal Treatment Irrespective of Race and Ethnic Origin, No 86/2018:
 - a. Article 4 of the Act shall read as follows, including the heading:

Administration

The implementation of this Act, including its supervision, the role of the Directorate of Equality in monitoring the implementation of the Act, including the authorisation to levy per diem fines, and on the Equality Complaints Committee, including the provisions on the authorisation to make a complaint and on the procedure before the Committee, is carried out in accordance with the Act on the Administration of Matters Concerning Equality.

- b. Articles 5 and 6 are deleted.
- c. Article 17 of the Act shall read as follows:

Violations of Articles 7 to 10 and 13 to 14 of this Act and of regulations issued by virtue thereof are punishable by fines, unless a more severe punishment applies pursuant to other laws.

Interim Provisions

Upon the entry into force of this Act, the mandate for the appointed representatives on the Equality Complaints Committee will expire and the Minister shall then appoint, in keeping with the nomination by the Supreme Court, three representatives to the Equality Complaints Committee in keeping with Article 7, who shall take over the tasks of the previous Committee members.

By way of derogation from Article 7, paragraph 1(1) the Minister shall, the first time the Committee is appointed under this Act, appoint two representatives to the Equality Complaints Committee for a term of three years, in addition to the chairperson and deputy chairperson, whereas the Minister shall appoint the chairperson for a term of four years and the deputy chairperson for two years. Substitutes shall be appointed in the same manner.

Katrín Jakobsdóttir.

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