

# EQUAL PAY AND WORKING CONDITIONS

**Background material**

Reykjavik, Iceland  
September 2018



**EQUAL PAY AND WORKING CONDITIONS**

Copyright 2018 Sygeplejerskernes Samarbejde i Norden

Editorial Group: Icelandic Nurses' Association, Danish Nurse's Organization, Swedish Association of Health Professionals, Norwegian Nurses' Organization, Finnish Nurses Association and Faroese Nurses' Association

# Table of content

<b>Chapter 1:</b> The Nordic agreement model in the public sector	4
<b>Chapter 2:</b> Pay and equal pay	6
2.1 Salary structure	6
2.2 Wage composition	10
2.3 Full-time and part-time	12
2.4 Wage differences	13
2.5 Pension	16
<b>Chapter 3:</b> Legislation on equal pay	18



# Chapter 1: The Nordic agreement model in the public sector

December 2017 a research report on "Public collective bargaining and conflict resolution - Denmark in a Nordic perspective" was published. The report describes, amongst other themes, how the Nordic countries have arranged their agreement system and conflict resolution models.

The report shows similarities but also differences in the functioning of the agreement model in the Nordic countries.

**Table 1: Differences and similarities between the agreement, negotiation, and conflict resolution models in the public sectors in the Nordic.**

	Lockout used	Legislative intervention	Forced arbitration*	Conflict level	Ballot	Model for wage settlement	Central wage formation	Autonomous employer
<b>DK</b>	X	X	(X)	Relatively high	X	Regulatory solution	Moderate	-
<b>FO</b>	X	X	X	Low	-	Mixed regulatory solution	High	-
<b>NO</b>	-	X	X	Moderate	X	Model for wage settlement	High	(X)
<b>ISL</b>	-	X	X 2015	Relatively high	X	Coordinated wage restraint	High	(X)
<b>FIN</b>	-	X	(X)	Low/moderate	-	The Finnish Model (Federal Round)	Low	(X)
<b>SE</b>	-	X	-	Low	-	Industrial label	Low	X

\*in relation to legislative intervention

The report reviews the agreement models in the Nordic countries and points out that the models have developed in the private sector and then, in the 1960s and 1970s, the models have been gradually introduced in the public sector in relation to building the welfare state. In all the Nordic countries the agreement models in the public sector are influenced by 1) the civil servant system in the organizational structure and 2) the private agreement models in forming the formal institutions, which set the framework for negotiation and conflict resolution.

Denmark and Faroe Islands are the only countries where the lock out "weapon/threat" has been used in the public sector – that applies for both the offensive and defensive variant. Legislative intervention in labour disputes are known in Denmark and Norway however, with big difference in the process that follows. In Norway "Rikslønnsnemnd" is used for the forced arbitration, while it is the Danish government itself, that draft the law and thus (de facto) forced arbitration.

The level of conflict is relatively high in the public sector in Denmark, more moderate in Norway and low in both Sweden and Finland. The low level of conflict in Sweden and Finland can partly be explained by the fact that these countries don't have a tradition of using ballots relating to collective agreement renewals.

Denmark is the only Nordic Country that has a formal institution in the form of a systematic regulatory solution, which ensures a linkage of the development in wages between the private and the public sector. In the other countries there are powerful standards which ensures that the contestable export industry sets the framework for the rest of the labour market. But this is merely a norm and not a fact.

Wage formation in the public sector is the most decentralized in Sweden, where several areas are so called 'cifre løse', however several areas have "lønpotter" and guarantees.

The public employers' organization also varies quite a lot – especially at the state level: In Sweden they have the autonomous "Arbetsgiververket", while they in Norway have a rotating principle for employers' function, which rotates between the several ministries. Finland has a similar employers' organization to Denmark's where the Ministry of Finance acts as the counter party.

The report also shows, that the other Nordic countries besides Denmark intentional and unintentionally have tried to balance the asymmetry of power between the parties. The Norwegian "Rikslønnsnemnd" is not designed strictly for the public sector, but the institution nevertheless creates some de-politicisation of the public agreement model, so

the politicians' don't have the opportunity to speculate in the different roles, as both legislator and employer. Sweden is the country, where de-politicisation is working most as intended with e.g. the establishment of "Arbetsgiververket".

In that context Denmark is special because no political committee work has been ongoing, where the arrangement and functioning of the public agreement model has been discussed. Especially Sweden and Norway have regularly had formal discussions between the parties and the government in relation to investigate whether the formal and informal institutions which make up the models, are optimal and functional. This collective learning experience has not happened to the same extend in Denmark.

# Chapter 2:

## Pay and equal pay

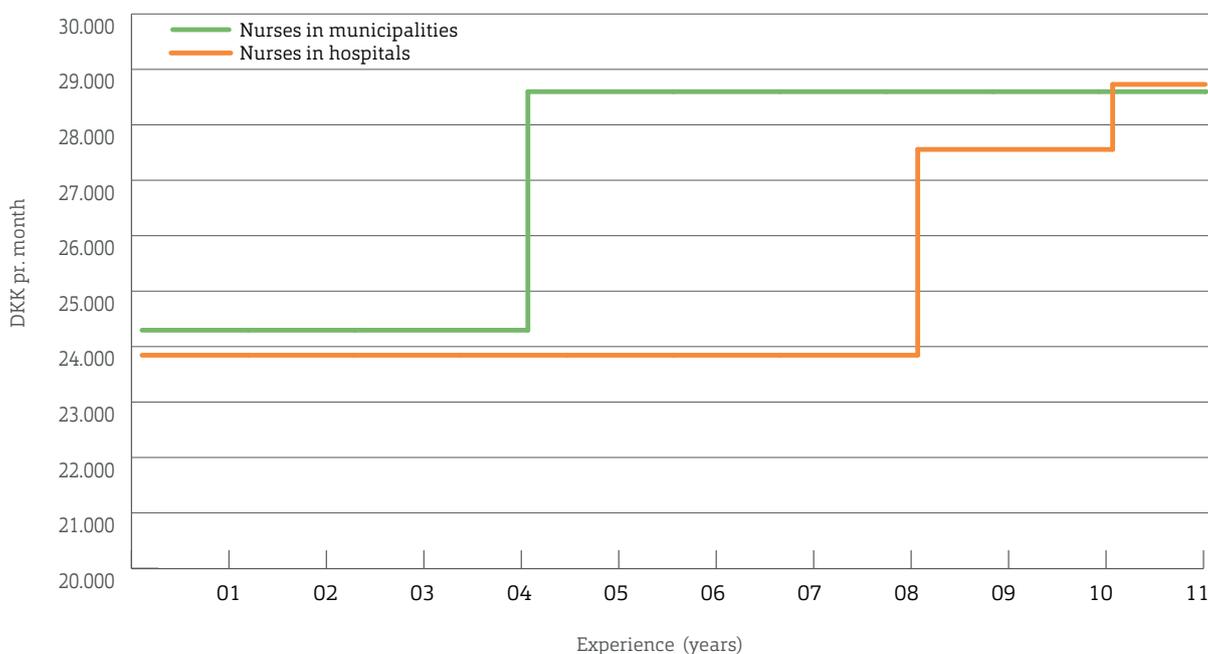
In most Nordic countries nurses' salaries are negotiated at a central level. In these countries, a wage cycle where the wage rises with the experience, is common. Wage levels and rise rates are different, but it is characteristic that a starting salary for newly educated nurses and some wage rises in the following years has been established from central level. Sweden has a decentralized negotiation system where the salary is negotiated between the employee and the manager.

### 2.1 SALARY STRUCTURE

#### DENMARK

The course for pay agreed on for nurses in regions and in municipalities is repeated in the figure below.

Figure 2.1: The course for pay agreed on for basic nurses in hospitals and municipalities per. October 1st, 2017 (DKK per. month)

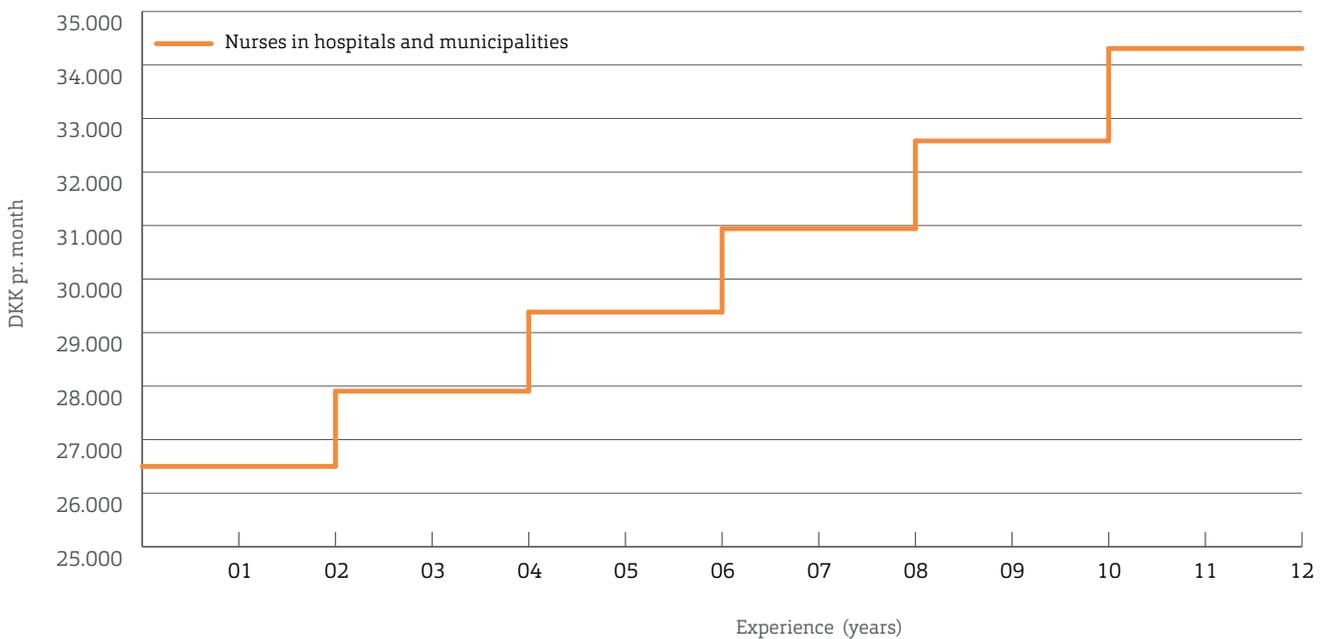


A course for pay has been agreed on for the nurses in the hospitals, which means, that a newly trained nurse has a basic salary of DKK 23.845 per month. After 8 years of experience the salary rises to DKK 27.556 per month and after 10 years of experience all together, based on the basic education, the salary rises to DKK 28.729 per month. In addition, there is increment, pension, payment for inconvenience, etc. Nurses in municipalities start with a salary of DKK 24.296. After 4 years of experience the salary rises to DKK 28.598.

## FAROE ISLANDS

The agreed-on course for nurses' salary in the primary and secondary sector is illustrated in the figure below. For basic nurses it is agreed that the primary sector follows the secondary sector.

**Figure 2.2: The course for pay agreed on for basic nurses both in the regions and municipalities per October 1st, 2017 (DKK per. month).**



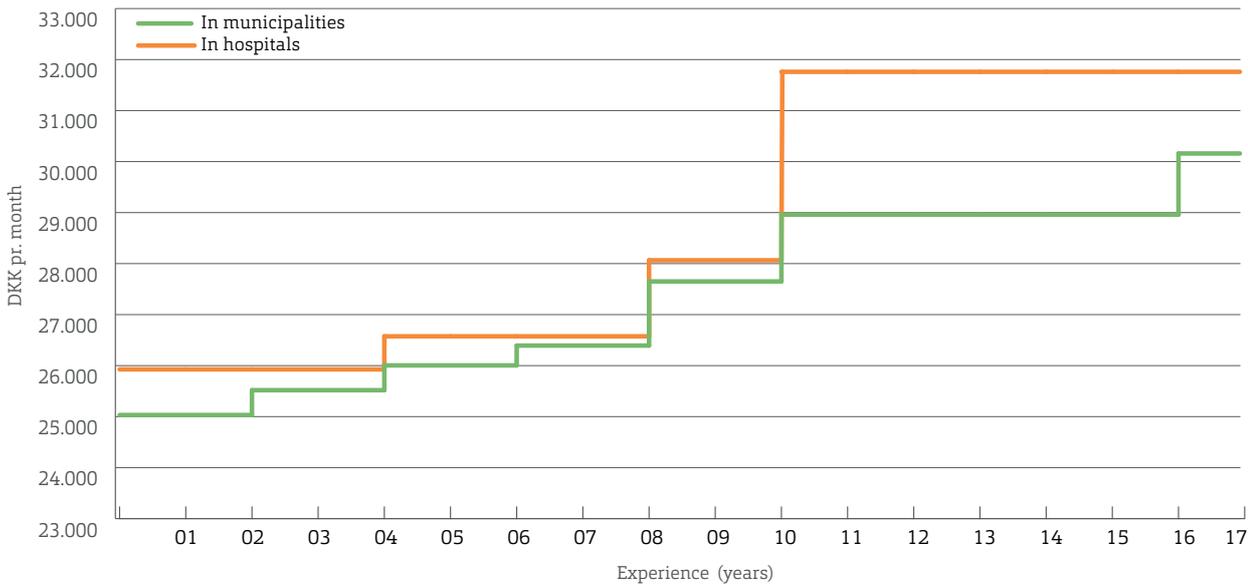
A course for pay has been agreed on for all basic nurses at the hospitals and in primary health sector. A newly educated nurse has a basic salary of DKK 26.500 per month. Every second year of experience the salary rises, and after 10 years of experience based on the basic education the salary rises to DKK 34.307 per month. In addition, there is increment, pension, payment for inconvenience, etc.

**NORWAY**

A course for pay has been agreed on for the nurses in the hospitals, which means, that a newly trained nurse has a basic salary of DKK 25.926 per month. Then it's a rise at 4 years of experience and 8 years, and after 10 years of experience all together based on the basic education the salary rises to DKK 31.760 per month. Besides this comes increment, pension, payment for inconvenience, etc. This is minimum wages.

In municipalities sector, it's not minimum wages, but a guarantee wage. That means that if you get an individual increment, you will keep this when the guarantee wage increase.

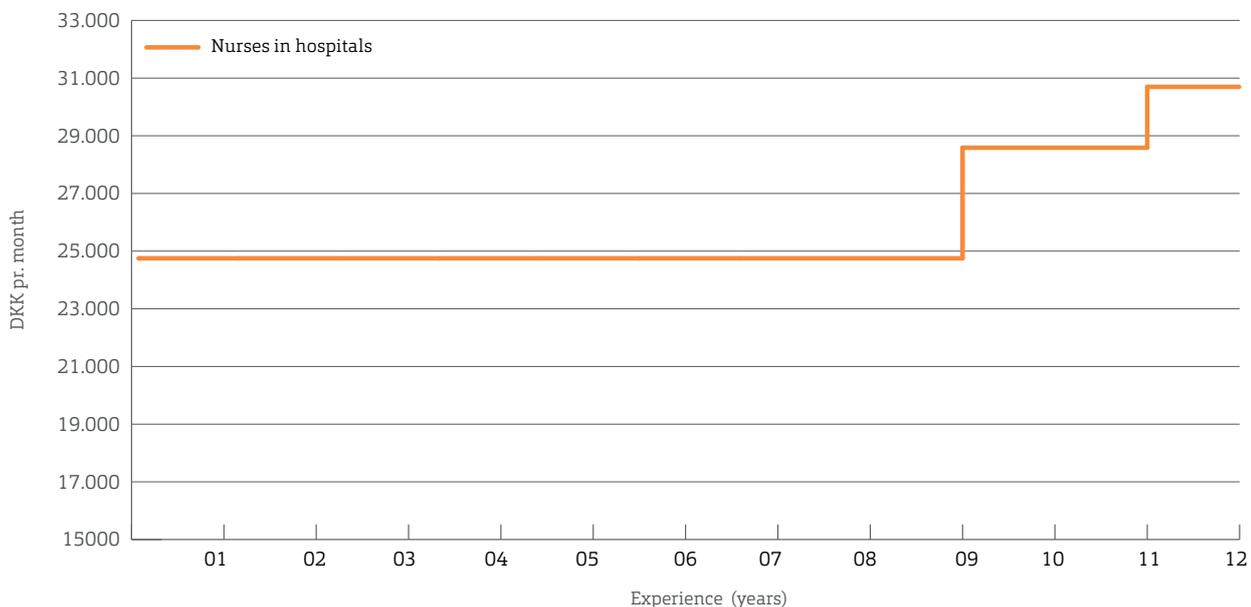
**Figure 2.3: The course for pay agreed on for basic nurses in the hospitals (per. July 1st, 2018) and municipalities (per. May 1st, 2018) (DKK per. month).**



**ICELAND**

Basic salary for newly graduated nurses in Iceland is DKK 24.750 per month. After 8 years of experience, nurses can expect salary of DKK 28.586-30.697 per month and after 10 years of experience the salary is DKK 30.697. In addition to those salaries is also payed increment, pension, payment for inconvenience, etc.

**Figure 2.4.: The course for pay agreed on for basic nurses in municipalities and hospitals (DKK per. month).**

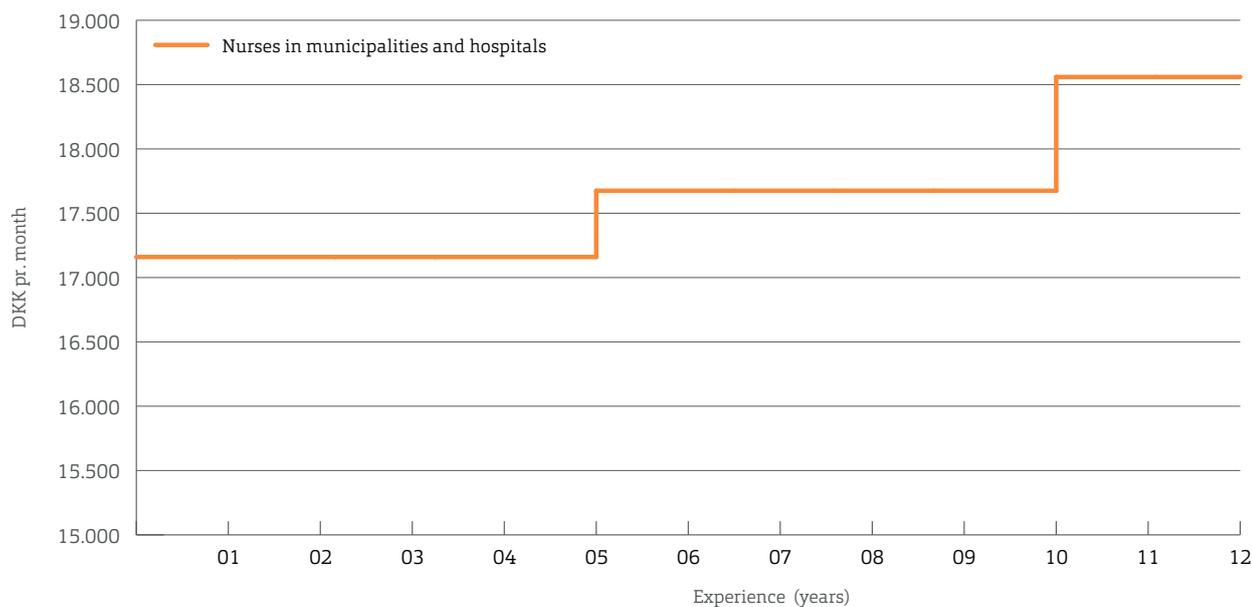


## FINLAND

The wages for nurses in Finland are lower than the average wages for all employees. In October 2017, the average monthly wages for regular working hours for a nurse in the municipal sector were DKK 22,717.

The wages for regular working hours include supplements associated with regular working hours. The wages excluding supplements (position-based wages) were DKK 18,257 for nurses in the municipal sector. Among the supplements are supplements for experience. These experience supplements based on the collective agreement are 3% in the municipal sector after five years of work and 8% after ten years. The difference between the position-based wages on average and the average wages for nurses is otherwise mainly due to supplements for inconvenient working hours.

Figure 2.5.: The course for pay agreed on for basic nurses in municipalities and hospitals (DKK per. month).



## SWEDEN

The Swedish Association of Health Professionals wage agreements is so-called "sifferlösa" agreements. This means that there are neither entry salaries, guaranteed salary levels, centrally or locally-established tariffs for payroll development. The salary is instead individual and differentiated and is determined after a negotiation between employees and the manager. The Swedish Association of Health Professionals wage agreement has followed this model since the 90's.

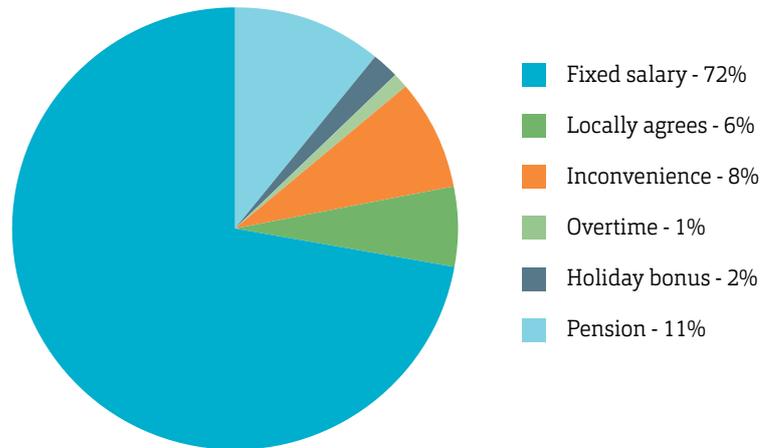
## 2.2 WAGE COMPOSITION - AVERAGE ACTUAL WAGE

### DENMARK

Most of the salary for the nurses at the hospitals are agreed on centrally. Only around 6% of the salary is agreed on locally at the individual workplace/hospitals. Of the total pay around 11% is paid in for pension, while around 8% of the nurses' salary consists of payment for inconvenience e.g. evening- and night work.

**Figure 2.6: The wage composition of the Danish nurses in hospitals**

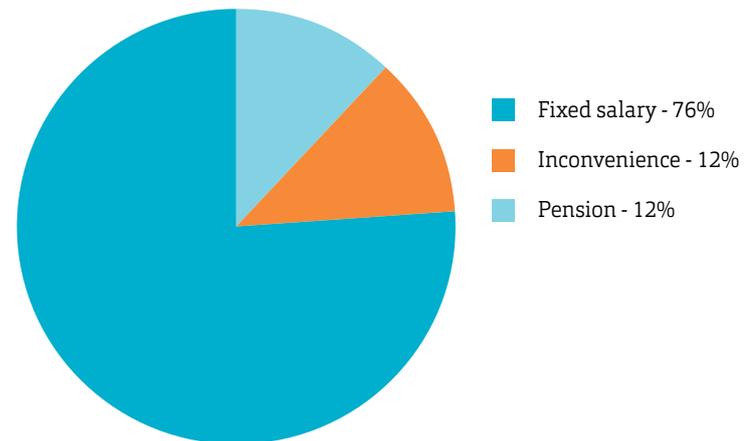
Source: [www.krl.dk](http://www.krl.dk). The regional area. 2018.



### FAROE ISLANDS

The whole salary for the nurses at the hospitals and in primary sector is centrally agreed on. Of the total pay, around 12% is paid in for pension, while around 10% of the nurses' salary consists of payment for inconvenience e.g. evening- and night work.

**Figure 2.7: The wage composition for the Faroese nurses**

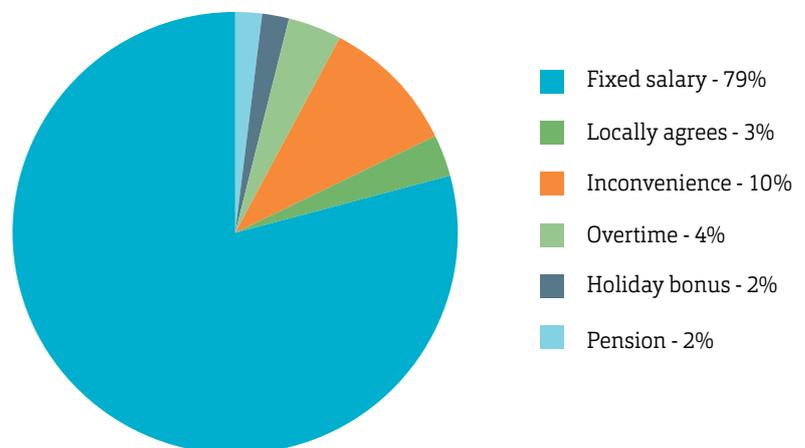


### NORWAY

Most of the salary for the nurses at the municipal area is agreed on centrally. Only around 4% of the salary is agreed on locally at the individual workplace. Around 10% of the nurses' salary consists of payment for inconvenience e.g. evening- and night work. For the pension the nurses pay 2% of their salary, but the employer pays about 18% extra to the pension fund.

**Figure 2.8: The wage composition of the Norwegian nurses in the municipal area (KS)**

Source: TBSK-rapport 20.02.2018

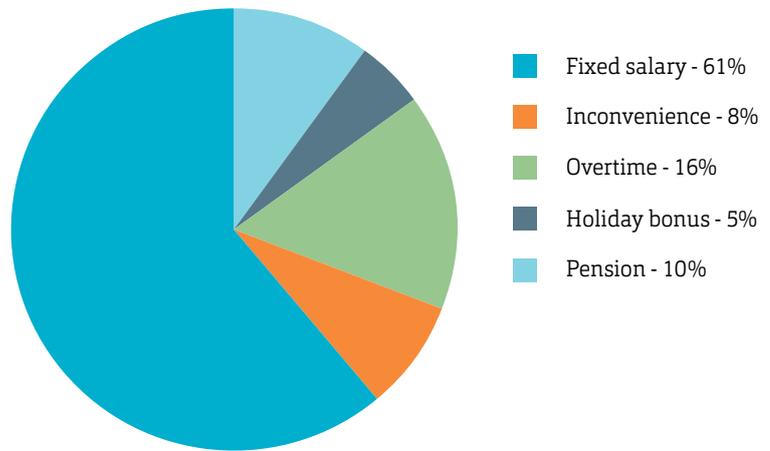


### ICELAND

In Iceland, the wage scale is agreed on in collective bargaining, but most of the salaries for nurses is agreed on locally. Around 16% of the salary is due to overtime. Of the total wages, around 10% is paid in for pension, while around 8% of the nurse's salary consists of payment for inconvenience e.g. evening- and night work.

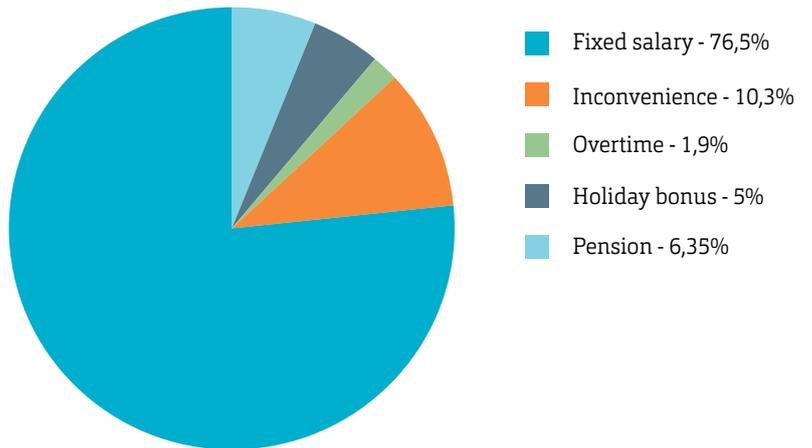
**Figure 2.9: The wage composition of the Icelandic nurses working in hospitals**

Source: Icelandic nurse's association, Ministry of Finance and Economic Affairs, sept. 2018



### FINLAND

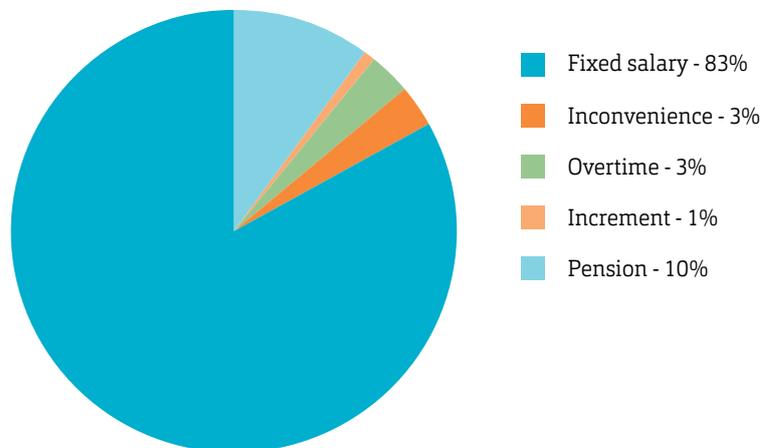
**Figure 2.10: The wage composition for Finnish nurses in the public sector**



### SWEDEN

**Figure 2.11: The wage composition for the Swedish nurses**

Source: SKL. November 2017



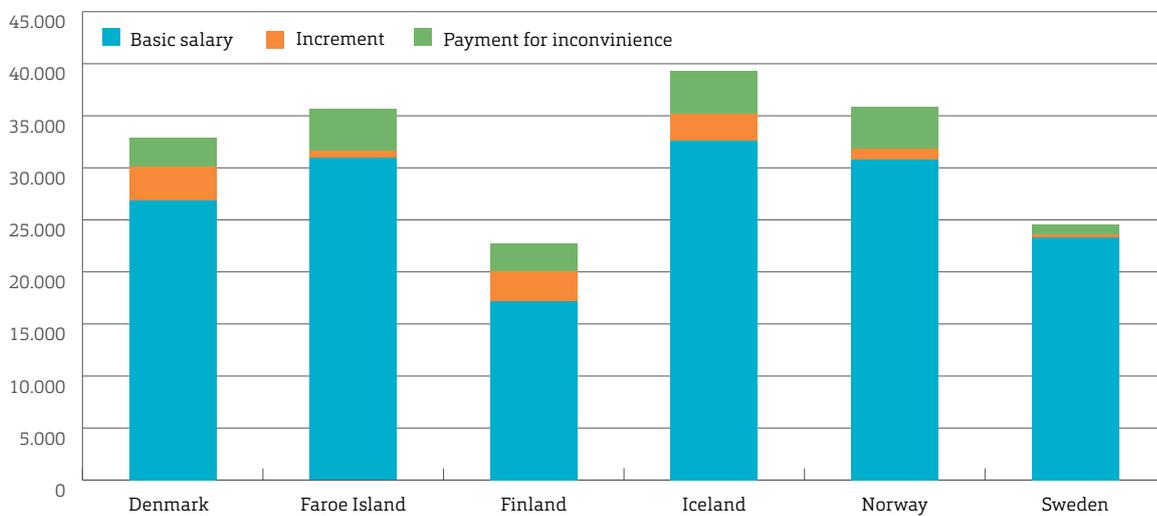
The average actual wage for the Nordic nurses shown in figur 2.6-2.11 is for the main part reproduced in table 2.1 and figure 2.12.

Table 2.1: Average actual wage for Nordic nurses (DKK)

	Employed*	Basic salary	Increment	Payment for inconvenience	Pay in total ex. pension	Pension payed by employer and employee	"Cost-of-living-index"***
<b>Denmark**</b>	33.871	26.861	3.194	2.816	32.871	4.297	127
<b>Faroe Islands****</b>	351	30.941	690	4.059	35.690	4.745	-
<b>Norway*****</b>	30.504	30.780	990	4.058	35.828	9.320	141
<b>Iceland</b>	2.341	32.650	2.569	4.072	39.291	5.523	149
<b>Finland</b>	35.000	17.160	2.871	2.685	23.209 (including overtime payments)	6,35%	115
<b>Sweden*****</b>	63.772	23.314	219	998	24.531	2.777	122

\* Employed has been calculated into number of full-time positions  
 \*\* Hospitals. 2018  
 \*\*\* OECD's Purchasing Power Parities. 2017. <https://stats.oecd.org/Index.aspx?DataSetCode=CPL>  
 \*\*\*\* Employed has been calculated into number of full time positions for secondary sector  
 \*\*\*\*\* Hospitals  
 \*\*\*\*\* Hospitals and municipals. November 2017.

Figure 2.12: Average actual wages in the Nordic (ex. pension)(DKK)



## 2.3 FULL-TIME AND PART-TIME

Table 2.2: Employment levels for Nordic nurses

	Number of persons	Full-time is equal to (hours pr. week):	Amount/portion that work full-time	Average employment hours/week
Denmark (hospitals)	36.970	37	17.750 / 48%	33,9
Denmark (municipal)	11.473	37	3.351 / 29%	32,7
Faroe Islands**	425	40	135 / 32%	33,1
Norway (hospital)	51.264	37,5 or 35,5	28.099 / 55%	30,1
Norway (municipal)	44.450	37,5 or 35,5	20.775 / 47%	28,1
Iceland****	2.247	40	598 / 27%	30,8
Finland*****	35.000	38h45min.	31.869 / 91%	app. 37
Sweden (hospitals)	51.780	40	22.112 / 42,7%	38,2
Sweden (municipal)	11.992	40	4.117 / 34,3%	38,3

\* Source: www.krl.dk. March 2018

\*\* Primary sector is not included

\*\*\*\* Source: Icelandic Nurses Association June 2018

\*\*\*\*\* Only including registered nurses working with the job title "registered nurse". No information about part-time work, except that 10-15 percent are estimated to work 30h/week.

### FINLAND

In Finland, almost everyone works full time. One exception is parents of young children, who often take part time parental leave and then usually work 30 h/week (around 77% of full time). Employees are entitled to part time parental leave until the end of the child's third year of comprehensive school. 10–15% of members belong to this group.

## 2.4 WAGE DIFFERENCES

Women in the Nordic countries have some of the world's highest employment rates. In other words, a very big part of the Nordic women are working or are available to the labour market in the same extend as men. Women in the Nordic countries are also well educated and in some countries such as Denmark and Norway the women have outplaced men, when it comes to education. Nevertheless, the pay gap between men and women in the Nordic countries is between 13,3% - 17,4% with the smallest wage gap in Sweden and the largest in Finland<sup>1</sup> and over the past 10 years there has only been a small, if any, decrease in this pay gap.

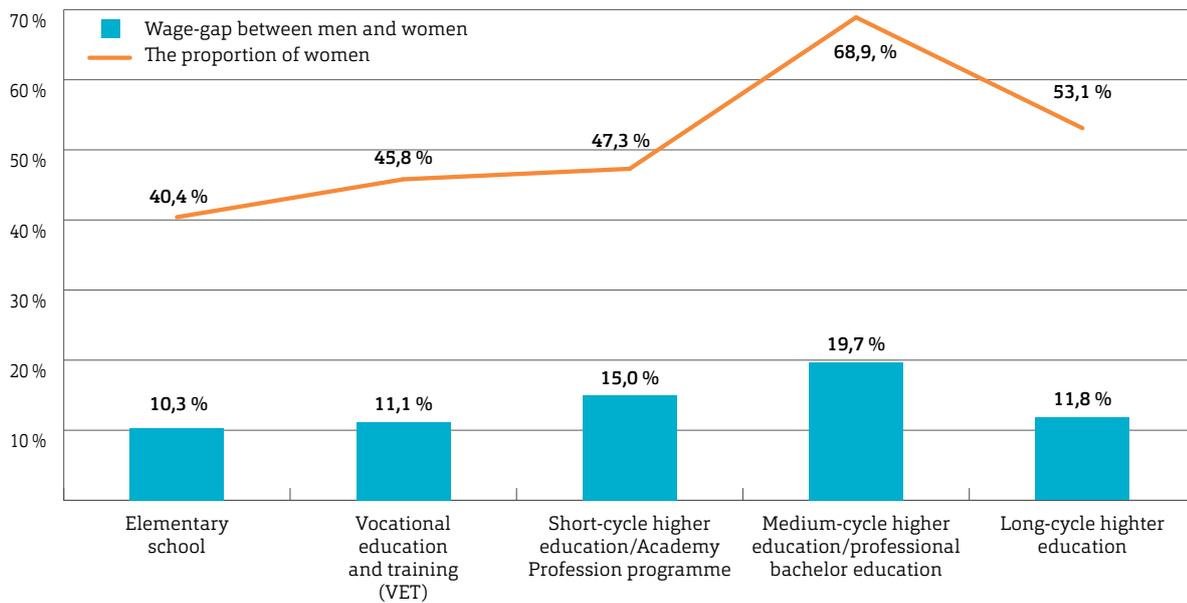
If you look at the pay gap between men and women with same level of education it is striking that the level of education in which there are most women – up to 4 years of education – also has the greatest difference in pay between men and women. This is especially the case in Denmark and Norway.

In the majority of Nordic Nurses associations the focus of equal pay policy is “work of the same value”. The Nordic countries have a significantly gender-divided labour market, where the women are employed in the lower paid public sector, and the men are employed in the higher paid private sector – very simplified.

### DENMARK

In Denmark the wage differences between men and women, divided into level of education, looks as reproduced in figure 2.13. For the labour market as a whole there is a 19,7% difference between women with a bachelor education (e.g. nurse) and a man with same level of education (e.g. Bachelor of Engineering).

Figure 2.13: Wage-gap between men and women divided into level of education



Source: Danmarks Statistik. 2016.

<sup>1</sup> Source: Eurostat. March 2018

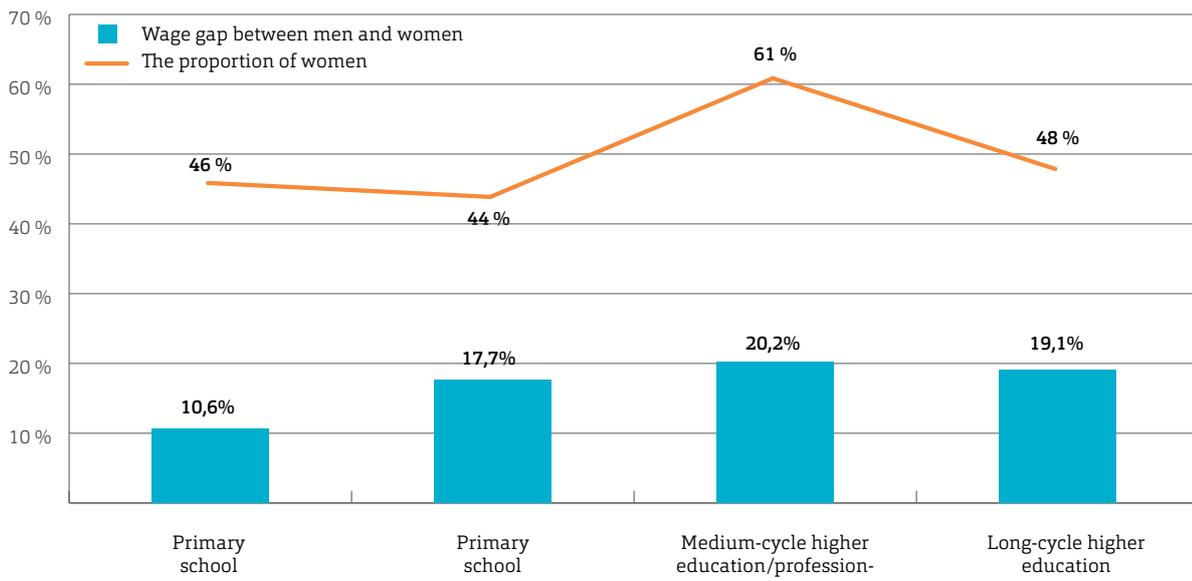
## FAROE ISLANDS

At the moment the public database center “Hagstovan” is working on a public statistic base to gain knowledge about the labour market in general and private. Unfortunately, the database will not be ready until 2019.

## NORWAY

In Norway the wage differences between men and women divided into level of education looks as reproduced in figure 2.14. For the labour market as a whole there is a 20,2 % difference between women with a bachelor’s degree (e.g. nurse) and a man with same level of education (e.g. bachelor of engineering). The pay gap has not changed, although this has been a priority in several negotiations.

Figure 2.14: Wage gap between men and women divided into level of education (fulltime and parttime)



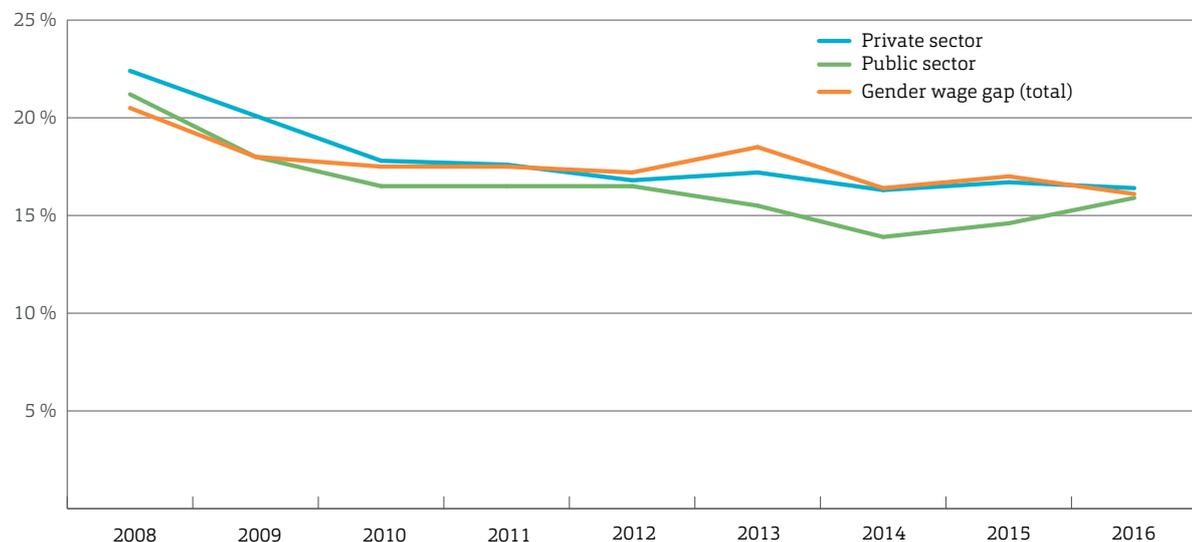
Source: Teknisk beregningsutvalg, 2018.

## ICELAND

Wage difference between nurses which is 98% women profession and other university educated professions working for the Icelandic government is around 20%.

An analysis on the Gender Pay Gap by Statistics Iceland, in cooperation with the action group on equal pay appointed by the government and the social partners, shows a narrowing Gender Pay Gap during the period 2008–2016.

Figure 2.15: Wage-gap between men and women in Iceland for the whole labour market and for the private and public sector 2008-2016.

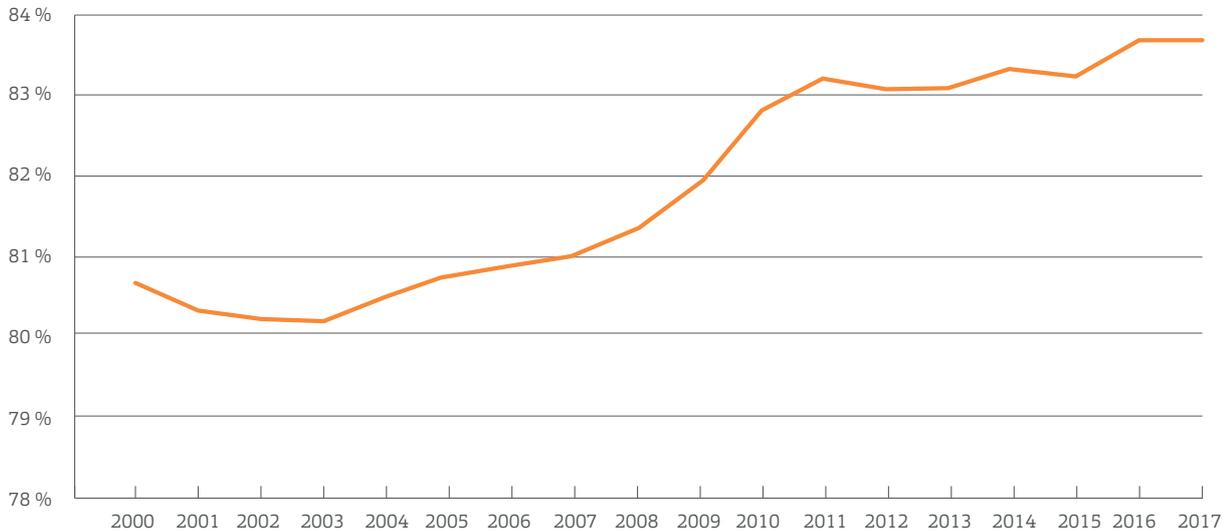


Source: Statistics Iceland 2

## FINLAND

In Finland, the wage gap between men and women has decreased slowly. Women who work full time are still only paid 83% of a man's average wages.

Figure 2.16 Women's wages as a percentage of the men's wages in Finland 2000–2017.



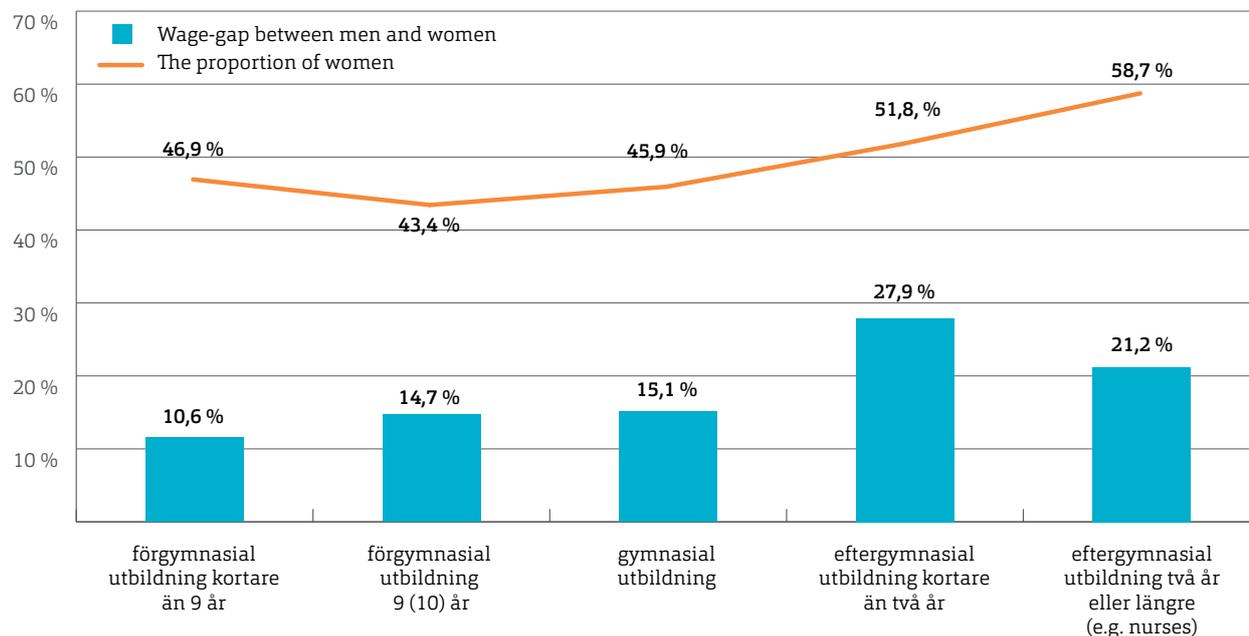
Source: Statistics Finland

A major reason for the wage gap is that women take more responsibility for their families and therefore receive fewer wage supplements for inconvenient working hours (they work during the days when their children are in day care or school, but rarely during evenings and nights). This can also be seen in the healthcare sector: the position-based salary

is more or less the same, but the men's wages for regular working hours are higher. The same phenomenon can be seen in society at large. Women often look for work that allows them to take more responsibility for their families. Men more often take on shift work and work that requires long working days.

## SWEDEN

Figure 2.17 Wage gap between men and women divided into level of education



Source: SCB

## 2.5 PENSION

Table 2.3: Pension conditions for nurses

	Retirement age in the legislation	The actual retirement age for nurses	Agreed retirement scheme
<b>Denmark</b>	The retirement age is between 65 and 68 years depending on when you were born. The retirement age can be continuously increased because it is adjusted to the average life expectancy in DK.	63½ years*	Basic nurses: 13,55%-14,18%** Managing nurses: 16,04-17,63%** (Pension of payment for inconvenience = 2%)
<b>Fareo Islands</b>	The retirement age is 67 years, but you can be in permanent employment until 70 years	67 years ****	All nurses around 12% (Pension of payment for increment)
<b>Norway</b>	A nurse can retire at age 62 but must retire at 65.	64,2 years***	Previously a nurse who had been working in 30 years, could retire with 66 % of his/her salary at 62. This will still be valid for those who is born in 1959 or before. Those who is born after 1959 it's different kind of rules
<b>Iceland</b>	The retirement age is between 60-67 years.	Around 65 years, , but many in division B retire at 60 years	Two different pension funds division. Division B Division A
<b>Finland</b>	Usually, the general pension age is applied, and that will also be raised from 63 years and three months for those who were born in 1955 (with the right to continue working until the age of 68) to 65 years for those who were born in 1962–64, and thereafter rise slowly, provided that life expectancy also rises.	Many retire as early as possible and part time retirement is also popular. More and more employees still work until the upper limit of the age range for retirement.	
<b>Sweden</b>	The retirement age is flexible but the earliest possible time is 61 years. You earn pensions as long as you work but after 67 you need the employer's permission to stay on. This age will rise to 69 in a few years.	64,7 years	Depending on pension scheme the contribution is usually 4,5% up to the limit in public pension (39 000 SEK/ month) and 30% on salary parts above that limit*****.

\* Source: PKA. 2015.

\*\* The correct retirement percent depends on which employer area you are employed in.

\*\*\* Source: KLP

\*\*\*\* Nurses can't retire with a pension before the age of 67.

\*\*\*\*\* For those born before the eighties have a divided plan which consists of both a defined benefit scheme of 55-65% of your salary parts above the limit for public pension as well as 0-10% on salary beneath (depending on scheme). This together with a defined contribution plan of 2-4,5% is your occupational pension.

# Chapter 3:

## Legislation on equal pay

### DENMARK

Throughout the last 30-40 years Denmark has been successful in eradicating the kind of unequal pay, that arises, when a man and a woman carries out the same kind of work in the same kind of work place. The fact remains the unequal pay for work of same value. In the Danish legislation on equal pay it says, that two employees, who work in different fields of same value for the same employer should be paid equally even though the work they carry out is not the same.

The problem with the Danish legislation on equal pay, when it comes to work of same value, is that it is difficult to use in praxis. There are no criteria and only limited case law in the area. The regulations in the legislation on equal pay, which sets the guidelines for comparison of two types of jobs, reads:

*“The assessment of the value of the work has to be based on an overall assessment of relevant qualifications and other relevant factors”<sup>1</sup>*

In generally there has been raised very few equal pay cases in Denmark and almost none, which concerns work of same value. One of the few exceptions is the case at the Royal porcelain factory in 1993<sup>2</sup>, where the female blue painters lost to “drejerner”, who were mostly men.

The Danish Nurses, organization has not brought any cases on equal pay. Amongst other because of the unclarity of the law, when it comes to work of same value.

Professor at the University of Copenhagen, Ruth Nielsen, has done some research on, how the Danish legislation on equal pay can be strengthened. She points out that, the law should be changed, so that it contains definitions and concepts, which can help with the work of making comparisons of work across subjects. She recommends, that the law clearly points out the factors, as e.g. knowledge, skills, physical and mental exertion and responsibility that must be considered when comparing a man and a woman's job. Ruth Nielsen also believes that it should be explicitly stated in the law that different market values cannot justify women-dominated areas being of lower value than men-dominated areas.

The Danish legislation on equal pay builds on the EU-directive regarding equal treatment of men and women.

### FAROE ISLANDS

For the last 20-30 years, there have been an ongoing successful work on eradicating unequal pay, considering the same work, due to women/men in The Faroe Islands. The legislation (Løgtingslóg nr. 52 03.05 1994) has determined that there must be no difference in pay, education, work or schooling, based on gender.

In the Faroe Islands, unions, together with the Ministry of Finance, negotiate wage agreements. As in Denmark, the problem in The Faroe Islands with the legislation on equal pay, “work of same value” is not specified, what makes it difficult to use in praxis. In the Faroe Islands, the law often is mirrored from the Danish law, which is not specified on the area. There are no guidelines for comparison of types of jobs in the legislation in The Faroe Islands. A politically appointed committee for equity (Javnstøðunevndin) is responsible for compliance with the law on equal pay, and every employee and citizen have the right to complain of discriminatory behavior.

A goal to be reached in 2020, in the ongoing work towards equity in Javnstøðunevndini, is gender mainstreaming all over in politics and all business (Átak 26) and how to reach the goal in Átak 26 (Átak 27).

Í 1987 The Faroe Islands joined the EU Convention on the Elimination of All Forms of Discrimination against Women, CEDAW. To incorporate the principle of equality of men and women in the legal system, abolish all discriminatory laws and adopt appropriate laws prohibiting discrimination the cooperation establishes meetings every 4. Year.

To the forthcoming meeting in 2019, the Faroe Islands must have corrected the 2015 recommendations to remedy the fact that there are too few women in management, both in the private and the public sector and that women in part-time positions must have opportunities for full time work, as they recommend real de facto changes (39583\_amr\_virkisætlan\_faldari\_a4-47-si-ður.pdf).

The issue of insuring work on equal pay has recently been answered by Hendrik Old, present Minister of Labour. A project concerning the improvement of state statistics, paid by the Faroe Islands government and the employee organizations, will indicate employees work and earn. The purpose is to gain knowledge about the labour market,

<sup>1</sup> The Danish law on equal pay § 1, stk. 3.

<sup>2</sup> Case C-400/93, Royal Copenhagen

considered ex. gender and kind of work, in general and private. The project is a collaboration between unions and employers and will reveal whether there is still a difference in gender equality.

If it turns out that there is still gender pay gap, it will immediately be rectified according to Hendrik Old the current Minister of Labour.

Felagið Føroyskir Sjúkrarøktarfrøðingar has not brought any cases on equal pay. In general, there are few known cases of equal pay on the Faroe Islands.

### **NORWAY**

In 2018 Norway a new Equality and anti-discrimination act came in to force. This Act replaced the former Equality act from 1979 which exclusively focused on gender. The purpose of this new Act is to promote equality and prevent discrimination based on gender, pregnancy, leave in connection with childbirth or adoption, care responsibilities, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression, age or other significant characteristics of a person.

The equal pay section states that women and men in the same undertaking shall receive equal pay for the same work or work of equal value. Pay shall be set in the same way, without regard to gender. This applies irrespective of whether the work relates to different branches, or pay is governed by different wage agreements.

Whether the work is of equal value is determined by means of an overall assessment in which emphasis is given to the expertise that is required to perform the work and other relevant factors, such as effort, responsibility and working conditions.

Despite the focus on equal pay in the Norwegian wage settlements the last 30 years, the gender pay gap stubbornly remains. Norwegian women are in majority in higher education, and they participate in working life almost in line with men. Still, women get less paid for their competence and effort. The gender pay gap is largest among professional groups with higher education.

The government-appointed Equal Pay Commission in 2008 stated that the gender pay gap follows the gender-segregated labour market. Girls still choose to work with

people and care-related tasks; boys choose engineering and numbers. The Equal Pay Commission's best advice was to raise the wages for the female-dominated professions in the public sector. That advice was quickly "forgotten." The Norwegian Government settles for a "hands off"-strategy, leaving the responsibility for solving the equal pay issue exclusively to the social partners, making equal pay a question limited to sectors.

Despite the gender pay gap, very few complaints on equal pay issues are pursued. In Norway, those who believe they have been exposed to discrimination can receive advice and guidance from the equality and anti-discrimination ombud. The ombud is an alternative to court proceedings and a low threshold option that is easily accessible, and their services are free. The goal is that the problem may be solved by the parties themselves, if not the ombud can treat the matter as a complaint case. In complaint proceedings, they provide an opinion (a conclusion) on whether discrimination has occurred.

If one part disagrees with the conclusion from the ombud, they can complain to The Anti-Discrimination Tribunal. The Tribunal can take necessary measures in order to cease the discrimination, as well as make an administrative decision concerning redress, compensation and coercive fines.

### **ICELAND**

Iceland has had legislation supposed to guarantee equal pay for men and women for a very long time. The first legislation mandating equal pay for men and women in Iceland over half a century ago, in 1961. At the time, the members of Alþingi were hopeful that full pay equality would be reached in only six years, in 1967. Then a new comprehensive Equality Act in 1976 was passed. One of the articles stated that women and men be paid the same for work of equal value. Alþingi passed yet another updated Equality Act in 2008 with the same provision that men and women be paid equally for equal work.

On June 1st. 2017, Alþingi, the Icelandic Parliament, passed a law mandating that all companies and employers with 25 or more employees prove that they pay men and women equal wages. The law took effect on January 1st. 2018. This change was accomplished through an amendment to Article 19 of the Act on Equal Status and Equal Rights of Women and Men. The article states that employers need to undergo equal pay certification using the Equal Pay Standard, an

equal pay management system developed by Icelandic trade unions, the employers' confederation and government officials. Employers are expected to renew their equal pay certification every three years.

## **SWEDEN**

Active measures are prevention and promotion measures aimed at preventing discrimination and serving in other ways to promote equal rights and opportunities. As an employer, you are required to take active measures to prevent discrimination on all grounds covered by the Discrimination Act: gender, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation and age.

### THE PROVISIONS ON ACTIVE MEASURES ENTAIL THAT ALL EMPLOYERS ARE OBLIGATED TO:

- continuously apply a four-step approach (investigate, analyse, take measures and monitor/evaluate) within the following five areas:
  - working conditions
  - provisions and practices regarding pay and other terms of employment
  - recruitment and promotion
  - education and training, and other skills development
  - possibilities to reconcile gainful employment and parenthood.
- promote gender balance in different types of work – including in management positions
- establish, follow up and evaluate guidelines and routines to prevent harassment, sexual harassment and reprisals
- carry out annual pay surveys.

Employers with at least 25 employees are required to document all elements of their work on active measures. Employers with between 10 and 24 employees are required to document their work on pay surveys. Employers with fewer than 10 employees have the same responsibility for taking active measures as larger employers, but there is no legal requirement for them to document their work in this area.

The work on active measures must be performed in cooperation with employees. Employees are often represented by trade union organizations, but they can also appoint their own representatives in a liaison group.

**Table 3.1: Overview of legislation on work of same value and number of decisions in the area in the Nordic countries**

	Legislation on “work of same value”	Number of decisions 2000-2018 regarding work of same value
<b>Denmark</b>	“Evaluation of the value of the work must be based on an overall assessment of relevant qualifications and other relevant factors”	A woman employed at Ikast Betonvarefabrik had for 8 years received less in pay than here male colleagues (2009). She got a compensation of approx. 1 million kr.
<b>Faroe Islands</b>	Løgtingslóg nr. 52 03.05 1994. CEDAW 1987	
<b>Norway</b>	Women and men in the same undertaking shall receive equal pay for the same work or work of equal value. Pay shall be set in the same way, without regard to gender. Whether the work is of equal value is determined by means of an overall assessment in which emphasis is given to the expertise that is required to perform the work and other relevant factors, such as effort, responsibility and working conditions. «Pay» means ordinary remuneration for work plus all other supplements, advantages and other benefits provided by the employer.	There have been two cases with the ombud and tribunal. The first case was a leading nurse who compared her salary with senior technical staff. The ombud supported the nurse while the tribunal decided that she had a job of same value, but that the pay gap was not illegal due to different market situations.  In a similar case, the tribunal supported a preschool leader because the employer could not verify that the other leaders were marked exposed.
<b>Iceland</b>		<b>2008:</b> Updated Equality Act: men and women be paid equally for equal work. <b>January 1st, 2018:</b> The Equal Pay Law mandating that all companies and employers with 25 or more employees prove that they pay men and women equal wages.
<b>Finland</b>	Finnish legislation only states that employees with the same employer and who have the same tasks should have equal wages. Because of exceptions such as wage supplements for experience, there may still be differences between wages.	Several cases pr. year. They can usually be resolved on federal level and are not needed to be taken to court action.
<b>Sweden</b>	The Discrimination Act. An employer has to take active measures to prevent discrimination. Active measures include, for example, that an employer has to carry out annual pay surveys, promote gender balance, take measures to prevent sexual harassment. All employers have to take active measures, but only the employers with more than 10 employees are required to document their work on pay surveys.	





