

## Act

Amending the Act on Equal Treatment Irrespective of Race and Ethnic Origin, No 85/2018 (adding more discrimination factors)

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### Article 1

In the first paragraph of Article 1 the words “and ethnic origin” are replaced by “ethnic origin, religion, life stance, disability, age, sexual orientation, gender identity, sexual characteristics or gender expression”.

### Article 2

In Article 2, the words “race and ethnic origin” are replaced by “the factors mentioned in the first paragraph of Article 1.”

### Article 3

The following amendments are made to Article 3 of the Act:

- a. In points 1, 2, 3 and 5, the words “race and ethnic origin” are replaced by “due to any of the factors mentioned in the first paragraph of Article 1.”
- b. Point 4 shall read as follows: *Harassment*: Behaviour relating to the race, ethnic origin, religion, life stance, disability, age, sexual orientation, gender identity, sexual characteristics or gender expression of the person affected by it and having the purpose or effect of offending the dignity of the person involved and creating circumstances that are threatening, hostile, degrading, humiliating or insulting for the person in question.
- c. The following eight points are added:
  6. *Life stance*: A stance based on a secular view of life, particular ethical values and morals, together with a defined morality and epistemology.
  7. *Disability*: The consequence of impairments and obstacles of various types which occur in the interaction between persons with impairments and their environment and attitudes which prevent them from participating fully and successfully in the community on an equal footing with others. The impairments affecting the individuals concerned are long-term, and the obstacles are of such a nature that the individual will suffer discrimination due to physical, mental or cognitive impairments or impaired sensation.
  8. *Age*: A person’s age from birth.
  9. *Sexual orientation*: An individual’s ability to be attracted to or become

enamoured of another individual.

10. *Gender identity*: An individual's own gender experience and definition thereof.

11. *Sex characteristics*: Biological traits related to gender, such as sex chromosomes, hormone function, gonads and genitals.

12. *Gender expression*: A personal social expression with regard to one's gender.

13. *Multiple discrimination*: When an individual is subjected to discrimination on the basis of more than one reason for discrimination that this Act, the Act on Equal Treatment on the Labour Market and the Act on Equal Status and Equal Rights Irrespective of Gender provide protection against. Multiple discrimination can either be integrated in such a way that two or more reasons for discrimination create a special basis for discrimination, or it can be dual/multiple so that the discrimination is based on two or more independent reasons for discrimination.

#### Article 4

Article 7 shall read as follows:

Any direct or indirect discrimination in any field of society on grounds of any of the factors mentioned in the first paragraph of Article 1 is prohibited, with the exception of the labour market; *see* also the Act on Equal Treatment on the Labour Market. Multiple discrimination is also prohibited. Instructions regarding discrimination on grounds of any of the factors mentioned in the first paragraph of Article 1 shall also be considered discrimination pursuant to this Act, as well as any harassment related to any of these factors. Refusing to supply appropriate adaptation under Article 7a shall also be considered discrimination.

Contractual clauses that entail discrimination due to any of the factors mentioned in the first paragraph of Article 1 shall be invalid.

#### Article 5

Article 7 of the Act shall be followed by two new articles, Article 7a and Article 7b, along with their headings. They shall read as follows:

a. "(Article 7a)

##### *Appropriate adaptation.*

Enterprises, institutions, civil society organisations and public bodies shall make necessary and appropriate modifications and adjustments, where needed in a particular case, to enable people with disabilities to make use of or enjoy society outside the labour market to the same extent as other people, provided they do not impose a disproportionate or undue burden.

b. (Article 7b)

*Deviations on grounds of age.*

Differences in treatment due to age shall not be considered as violating this Act if objective reasons are cited for them, these being justified by a legitimate aim, including public policy or other administrative aims, providing that such measures do not exceed what is necessary in order to achieve the intended aim.

Differences in treatment on the basis of legal provisions, regulatory acts and contracts in which specific age criteria are stated do not constitute discrimination if the age criteria can be objectively justified by a legitimate aim and the method of reaching that aim are appropriate and necessary.

Article 6

In sentence 1 of Article 8, in sentence 1 of Article 9 and in the first paragraph of Article 13 of this Act the words “race or ethnic origin” are replaced by “any of the factors mentioned in the first paragraph of Article 1.”

Article 7

The following amendments are made to Article 10 of the Act:

a. Sentence 1 of the first paragraph shall read as follows: All forms of discrimination on grounds of any of the factors mentioned in the first paragraph of Article 1 shall be prohibited in schools, other educational institutions, after-school activity centres and organised sports and leisure activities.

b. The second paragraph shall read as follows:

Educational and teaching materials shall not contribute to discrimination based on any of the factors mentioned in the first paragraph of Article 1 and shall not be belittling or disrespectful towards persons based on their life stance or religion, age, race or ethnic origin, or with regard to their disability, sexual orientation, gender identity, sex characteristics or gender expression.

c. The heading of the Article shall read as follows: *Prohibition against discrimination in schools and other educational institutions, after-school activity centres and sports and leisure activities*

Article 8

Sentence 1 of Article 11 shall read as follows: Advertisers and those who design or publish advertisements shall ensure that the advertisement is not belittling or disrespectful towards persons based on their life stance or religion, age, race or ethnic origin, or with regard to their disability, sexual orientation, gender identity, sex characteristics or gender expression, and does not in any way go against equal treatment irrespective of the above mentioned factors, as provided by the first paragraph of Article 1.

Article 9

In Article 15, the words “race or ethnic origin” are replaced by “any of the factors mentioned in the first paragraph of Article 1.”

#### Article 10

The interim provision of the Act is replaced by a new interim provision which shall read as follows:

Within a year of the entry into force of this provision, the Minister shall appoint a working group to address discrimination by association and on possible proposals for amendment of this Act and the Act on Equal Treatment on the Labour Market, to address such discrimination. The working group shall submit its proposals to the Minister as soon as possible after it commences its work. The working group shall include representatives from representative councils for people with disabilities, employer organisations, cross-industry worker's organisations and the Icelandic Association of Local Authorities.

#### Article 11

The Title of the Act is amended to read: **Act on Equal Treatment Outside the Labour Market.**

#### Article 12

This Act shall enter into force immediately. However, the provisions of this Act regarding difference in treatment on grounds of age under paragraph one of Article 1 shall not enter into force until 1 July 2024.

#### Article 13

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 86/2018](#):
  - a. The following amendments are made to Article 3 of the Act:
    1. Point 4 shall read as follows: *Harassment*: Behaviour relating to the race, ethnic origin, religion, life stance, disability, age, sexual orientation, gender identity, sexual characteristics or gender expression of the person affected by it and having the purpose or effect of offending the dignity of the person involved and creating circumstances that are threatening, hostile, degrading, humiliating or insulting for the person in question.
    2. The following is added to point 12: “an individual’s own gender experience and definition thereof.”
    3. Point 13 shall read as follows: *Sex characteristics*: Biological traits related to gender, such as sex chromosomes, hormone function, gonads and genitals.
    4. Point 14 shall read as follows: *Gender expression*: A personal social expression with regard to one’s gender.
    5. A new point shall be added and read as follows: *Multiple discrimination*: When an individual is subjected to discrimination on the basis of more than one reason for

discrimination that this Act, the Act on Equal Treatment on the Labour Market and the Act on Equal Status and Equal Rights Irrespective of Gender provide protection against. Multiple discrimination can either be integrated in such a way that two or more reasons for discrimination create a special basis for discrimination, or it can be dual/multiple so that the discrimination is based on two or more independent reasons for discrimination.

b. The following amendments are made to the first paragraph of Article 7 of the Act:

1. A new sentence is inserted after sentence 1 and reads as follows: Multiple discrimination is also prohibited.

2. A new sentence is added and reads as follows: Refusing to supply appropriate adaptation under Article 10 shall also be considered discrimination.

2. *Act on Equal Status and Equal Rights Irrespective of Gender, No [150/2020](#)*: In point 3 of Article 2 the words “Act on Equal Treatment irrespective of Race and Ethnic Origin” are replaced by “Act on Equal Treatment Outside the Labour Market”.

3. *Act on the Administration of Matters Concerning Equality, No [151/2020](#)*: In sentence 1 of Article 1 and sentence 1 of the first paragraph of Article 13, the words “Act on Equal Treatment irrespective of Race and Ethnic Origin” are replaced by “Act on Equal Treatment Outside the Labour Market”.

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*Adopted by Althingi on 15 June 2022.*