

REGULATION
No. 1030 of 13 November 2017
on the certification of equal pay systems
of companies and institutions according to the ÍST 85 Standard.

Article 1

Scope.

This regulation applies to the certification of equal pay systems of companies and institutions according to the Standard ÍST 85 *Equal pay management systems – Requirements and guidance*.

Article 2

Aim.

The aim of this regulation is that the equal pay management systems of companies and institutions should be certified in accordance with the requirements of the Standard ÍST 85, and with international requirements applying to certification and certification bodies enumerated in the standard ÍST EN ISO 17021-1:2015 *Conformity assessment - Requirements for bodies providing audit and certification of management systems - Part 1: Requirements*.

Article 3

Definitions.

In this regulation, the following terms are used as defined below:

- a. *Certification*: A written statement from the certifying body which is provided with a certification certificate, following the certifying body's audit of a company's or institution's equal pay system, in which it is stated that the equal pay system and its implementation meet the requirements of the ÍST 85 standard.(*cf.* item *c* of Article 1 of that standard).
- b. *Certification body*: A party that undertakes certification and has received accreditation (*cf.* Articles 4 and 5).
- c. *Auditor*: An individual qualified to carry out an audit.
- d. *Accreditation*: Confirmation that a certification body meets the requirements of the ÍST EN ISO 17021-1:2015 standard and the requirements of this regulation in order to carry out certification of the equal pay management systems of companies and institutions according to the Equal Pay Standard ÍST 85.

Article 4

Accreditation of certification bodies.

Certification bodies shall acquire accreditation from the Accreditation Division of the Icelandic Patent Office (*Einkaleyfastofa*) or a comparable entity in the European Economic Area.

Article 5

Certification under the standard ÍST 85.

Certification bodies which carry out certification under this regulation shall have acquired accreditation under Article 4. In demonstration of this, certification bodies shall be able to produce an accreditation certificate confirming that they meet the requirements of the ÍST EN ISO 17021-1:2015 standard and are considered competent to certify the equal pay systems of companies and institutions according to the Standard ÍST 85, and the requirements of this regulation.

Without prejudice to the first paragraph of this Article, certification bodies that have acquired accreditation according to the requirements of the ÍST EN ISO 17021-1:2015 standard may carry out audits and certify the equal pay systems of companies and institutions in accordance with the Standard ÍST 85, until 31 December 2019. The Ministry of Welfare shall confer with certification bodies, as necessary, on certification including the conduct of audits and the introduction of working procedures until 31 December 2019.

Certification bodies which have provided companies or institutions with advice on the introduction of the Standard ÍST 85 may not carry out auditing or adopt a position on the certification of the companies or institutions in question during the ensuing two years. The same shall apply to those who have worked for the certification bodies that provided the companies or institutions in question with advice according to the first sentence of this paragraph.

Article 6

Courses on equal pay certification.

The Ministry of Welfare shall ensure that courses are held for auditors in the field of gender equality and labour market issues that are of significance for certification in accordance with the requirements of the Standard ÍST 85.

Courses shall be held every three years, and more frequently if the need arises. Amongst other things, courses shall cover the requirements made regarding equal pay management systems in accordance with the Standard ÍST 85, including job classification and evaluation, wage analysis and special criteria for certification bodies set by the Minister on audit and certification of the Standard ÍST 85. The courses shall also cover labour legislations, the Gender Equality Act and collective agreements. Courses shall end with an examination and the issue of certificates. Auditors shall pass the examination with not less than first class marks.

Article 7

Audits, certification, use of the equal pay symbol and monitoring.

Certification bodies shall direct and carry out audits of equal pay management systems of companies or institutions. When a certification body has completed examination establishing that the equal pay management system of a company or institution meets the requirements of the Standard ÍST 85, the certification body shall take a decision on certification and issue a certificate in confirmation thereof.

The certification body shall send the Centre for Gender Equality a copy of the certificate, together with a report on the outcome of the audit.

The company or institution shall ensure that its certification is renewed every three years.

The Centre for Gender Equality shall confer the equal pay symbol on the company or institution on the basis of the certificate issued by the certification body under the first paragraph of this Article, and it shall be valid for the same period as the certificate. Use of the equal pay symbol shall be subject to rules set by the Minister, which are published in the protocol to this regulation.

The certification body shall furthermore inform the Centre for Gender Equality if the audit does not result in certification and state the reasons for this by submitting a report on the outcome of the audit. The Centre for Gender Equality may grant the organisations of the social partners access to certification bodies' reports in cases where audits of the equal pay systems of companies or institutions have not resulted in certification.

The Centre for Gender Equality shall maintain a register of companies and institutions that have acquired certification and publish it in an accessible manner on its website. Amongst other things, the information published in the register shall include the name of the company or institution, its ID number, its address and the period for which certification is to remain valid. Furthermore, the Centre for Gender

Equality shall maintain a register of companies and institutions with an average of 25 or more employees, on an annual basis, which have not acquired certification. That register shall state whether the company or institution in question has applied for an audit by a certification body of its equal pay system and how it is applied with a view to acquiring certification. The organisations of the social partners shall have access to this register.

The organisations of the social partners shall attend to monitoring to establish whether companies and institutions acquire certification and renewal of their certification in such a way as to comply with the provisions of the Gender Equality Act, No. 10/2008, with subsequent amendments, and the requirements of this regulation. Companies and institutions shall provide the organisations of the social partners with the information and materials which the organisations consider necessary in order to carry out their monitoring. Where a company or institution has not acquired certification, or renewal of its certification, or fails to submit the necessary information or materials, the organisations of the social partners may report this to the Centre for Gender Equality. The Centre for Gender Equality may instruct the company or institution in question to take satisfactory measures to rectify the situation within a suitable period, failing which it shall be subject to *per diem* fines. A decision on *per diem* fines shall be announced to the party to which it is directed, in writing and in a demonstrable manner. *Per diem* fines according to this regulation shall be subject to the sixth, seventh, eighth and ninth paragraph of Article 18 of the Gender Equality Act.

If an audit conducted by a certification body reveals that the equal pay management system of a company or institution, and the way it is applied, no longer meets the requirements of the ÍST 85 standard, the certification body shall report this to the Centre for Gender Equality. The Centre for Gender Equality shall examine matters involving the use of the equal pay symbol in such cases (*cf.* the rules on the use of the equal pay symbol set by the Minister) and shall, in doing so, follow the rules of the Administrative Procedure Act, including those regarding parties' right to be heard.

Article 8

Basis in law, commencement and repeal of older regulations.

This regulation, which is issued under the eleventh paragraph of Article 19 and Article 33 of the Gender Equality Act, No. 10/2008, with subsequent amendments, and also under the first paragraph of Article 4 of the Accreditation (Etc.) Act, No. 24/2006, following consultation with the Ministry of Industry and Innovation, shall take effect on 1 January 2008. On the same date, Regulation No. 365/2017, on the certification of the equal pay systems of companies and institutions according to the ÍST 85 standard, shall stand repealed.

Ministry of Welfare, 13 November 2017.

Þorsteinn Víglundsson

Minister of Social Affairs and Equality.

Elly Alda Þorsteinsdóttir.

Protocol.

RULES on the use of the equal pay symbol.

Article 1

Aim.

The aim of these rules is to ensure consistency in the use of the equal pay symbol and prevent its misuse.

The symbol is intended as a quality stamp and part of the image and reputation of companies and institutions. It is a confirmation that they have established procedures which ensure that their handling of, and decisions on, pay issues do not include gender-based discrimination.

Article 2

The equal pay symbol.

The equal pay symbol is a registered trade mark that is owned by the Ministry of Welfare. The symbol consists of an image that suggests a pie-chart, a stamp, runes and the smiling faces of two dissimilar individuals. The shape of the symbol suggests a coin, so indicating that the individuals portrayed are both assessed at their true worth.

Regarding colour and presentation, reference is made to the guidelines in the equal pay symbol style manual.

Article 3

Instructions on the use of the equal pay symbol.

The equal pay symbol shall be used in accordance with rules and instructions, approved by the Minister of Social Affairs and Equality, set out in the equal pay symbol manual. The symbol shall be used and displayed in such a way as not to bring it into disrespect.

The Centre for Gender Equality shall grant companies or institutions authorisation to use the equal pay symbol on the basis of certificates issued by certification bodies in accordance with the Regulation on the certification of the equal pay systems of companies and institutions according to the Standard ÍST 85.

Only those companies or institutions that have acquired certification, or renewal of certification, of their equal pay systems in accordance with the Standard ÍST 85 from certification bodies that have received accreditation under the Regulation on the certification of the equal pay systems of companies and institutions according to the Standard ÍST 85 may use the symbol and they shall be obliged to obey the rules applying to its treatment and use.

Companies and institutions may only use the equal pay symbol while the relevant certification is valid.

If companies or institutions use the equal pay symbol despite their not meeting the requirements which they are obliged to meet under the Gender Equality Act, No. 10/2008, with subsequent amendments, and the Regulation on the certification of the equal pay systems of companies and institutions according to the Standard ÍST 85, this will be regarded as misuse of the equal pay symbol. The same shall apply if a company or institution does not use the symbol in accordance with these rules or the instructions in the equal pay symbol style manual.

Article 4

Application and registration.

Applications for authorisation to use the equal pay symbol shall be made to the Centre for Gender Equality. The applicant (a company or institution) shall submit a copy of its certificate in accordance with the Regulation on the certification of the equal pay systems of companies and institutions according to the Standard ÍST 85 confirming that it meets the requirements of the standard and the Centre for Gender Equality shall then grant it authorisation to use the symbol.

Use of the symbol may not commence before authorisation has been issued by the Centre for Gender Equality, and the authorisation shall remain valid for the same length of time as the certificate (*cf.* the Regulation on the certification of the equal pay systems of companies and institutions according to the Standard ÍST 85).

The Centre for Gender Equality shall maintain a register of companies and institutions that have acquired certification; this register shall be published in an accessible manner on the centre's website.

Article 5

Discontinuation of the use of the symbol.

If an entity that has used the equal pay symbol decides to stop using it, it shall inform the Centre for Gender Equality thereof. Following such a notification, the Centre for Gender Equality shall remove the entity in question from the register of users of the symbol.

Article 6

Responsibility and monitoring of use.

Registered users themselves shall be responsible for using the symbol correctly. If an audit by a certification body during the procedure for renewal of certification reveals that the equal pay system of a company or institution no longer meets the requirements of the Standard ÍST 85, the certification body shall inform the Centre for Gender Equality thereof. The Centre for Gender Equality shall examine cases involving the use of the equal pay symbol in such instances and shall follow the rules of the Administrative Procedure Act, including as regards parties' right to be heard. The same shall apply if the use of the symbol does not conform to the provisions of these rules or the instructions set out in the equal pay symbol style book and the party concerned fails to act on instructions from the Centre for Gender Equality or the Ministry of Welfare regarding measures to rectify the situation.

Article 7

Commencement.

These rules shall take effect on 1 January 2018.

Section B – Publication date: 28 November 2017

*[This translation is published for information only.
The original Icelandic text is published in the Law Gazette.
In case of a possible discrepancy, the original Icelandic text applies].*