

Case 29/2008 – Remuneration of section leaders at a hospital was not contrary to Section 5, cf. Section 3 of the General Equality Act. Comparison of four female section leaders with nursing education and two male section leaders who were doctors.

Four women section leaders at a hospital were of the opinion that their salaries were contrary to Section 5 of the Gender Equality Act, which required equal pay for equal work. All four were educated as nurses. They compared themselves with two male section leaders who were doctors.

The largest part of the mens' positions consisted of clinical work with patients, only a small portion consisted of pure management tasks. Most of the womens' work consisted of management tasks. The women wished a comparison to be undertaken with the management part of the mens' positions.

The Tribunal evaluated the whole of the section leader position as one and was of the opinion that a division was not natural. Both types of section leaders performed other work than management tasks, *inter alia* in the form of direct patient treatment. The share of clinical work and management tasks would vary over time and according to necessity.

In the opinion of the Tribunal it would also be difficult to have a sharp division between the doctors' and nurses' treatment of some patients, and the tasks connected to the patients, which must be regarded as performance of the management function at the section. The medical professional work was an integral part of the whole work performed by leaders who were doctors, including in the management function..

Further, the Tribunal referred to the fact that the content of the positions was characterised by that the section leaders belonged to different professions. Therefore, the content of the position description for the section leaders who were doctors and the section leaders who were nurses, was different. The section leaders who were doctors performed another type of work than the section leaders who were nurses, including clinical work by virtue of the fact that were doctors.

There was a requirement for considerably more extensive education to perform the work done by the two male section leaders. Therefore, the requirement for competence was considerably higher for the positions of section leaders who were doctors than the section leaders who were nurses.

Based on a total evaluation, the Tribunal found that the work was not of equal value. Remuneration of the six section leaders was therefore not contrary to Section 5, cf. Section 3 of the Gender Equality Act.

The decision of the Tribunal was unanimous.