



**AN BILLE IN AGHAIDH IDIRDHEALU (PA), 1974
ANTI-DISCRIMINATION (PAY) BILL, 1974**

EXPLANATORY MEMORANDUM

Section 1

Definitions.

Section 2

This section provides that where a woman is employed by the same employer on like work with that of a man in the same place of employment she will be entitled to equal pay. Different rates of remuneration may be paid however to employees employed in the same place of employment on like work on grounds other than that of sex, e.g. where service pay, incremental scales, etc. apply.

Section 3

This section provides that two people will be regarded as being employed on like work where—

- (i) both perform the same work under the same or similar conditions or where each is fully interchangeable with the other in relation to the work, or
- (ii) the work performed by one is of a similar nature to that performed by the other and any differences between the work performed occur only infrequently or are of small importance in relation to the work as a whole, or
- (iii) the work performed by one is equal to that performed by the other in terms of the demands it makes on each person.

Section 4

The effect of this section is that the terms and conditions of a woman's employment shall include a term expressed or implied giving an entitlement to equal pay.

Section 5

This section provides for the appointment by the Minister of equal pay officers to the Labour Court. The section also sets out the powers of equal pay officers. These include :—

- (i) power to enter premises at all reasonable times,
- (ii) power to require the production of records, documents, etc.,
- (iii) power to inspect and take extracts from any such records, etc.,
- (iv) power to inspect any work in progress.

It will be an offence for any person not to comply with the legitimate request of an equal pay officer. An investigation by an equal pay officer shall be conducted in private.

Section 6

This section provides that a dispute between an employer and an employee in regard to equal pay may be referred by one of the parties to an equal pay officer for investigation and recommendation.

This section also provides for the reference of cases to equal pay officers by the Minister where it appears to him that an employer has failed to comply with the provisions of the Act and where it is not reasonable to expect the employee concerned to refer the case to an equal pay officer.

When an equal pay officer has investigated a case he will convey his recommendation to the Court, to the parties concerned and, where appropriate, to the Minister.

Section 7

A party to a dispute may appeal to the Labour Court against an equal pay officer's recommendation or may appeal to the Court for a determination that the recommendation has not been implemented provided he does so within 42 days after the date of issue of the recommendation.

The Labour Court will hear the appeal and will convey its determination to the parties concerned and, where appropriate, to the Minister.

Any information obtained by an equal pay officer or by the Labour Court in the course of an investigation or appeal under this Act which is not available otherwise shall not be included in any recommendation or determination without the consent of the persons concerned.

A party to a dispute determined by the Labour Court may appeal to the High Court on a point of law.

The Labour Court shall consider a complaint from an employee that an employer has failed to comply with a determination of the Court under this section. Following its consideration of the matter the Court may, by order, direct the employer concerned to comply with its determination. If the employer concerned fails to comply with this order he shall be liable on conviction to a fine.

In any proceedings brought under the Act a person will not be awarded more than three years' arrears of the remuneration to which he is entitled under the Act.

Section 8

This section provides that it will be an offence for an employer to dismiss a woman for the sole reason that she sought equal pay. In a prosecution for an offence under this section the onus will be on the employer to satisfy the court that the dismissal did not arise solely from the making of the claim for equal pay. The section sets out the penalties to be imposed on employers found guilty of offences under this section.

Section 9

Where a woman complains to the Labour Court that she has been dismissed from her employment solely on the grounds that she sought equal pay, the Court shall consider the complaint provided such complaint is received within six months of the date of the dismissal. If the Court is satisfied that the complaint is well founded it may, by order, direct the employer concerned to pay to the woman a sum equal to the remuneration she would have received up to the date of the Court's order if she had not been dismissed, subject to a maximum of six months' remuneration. An employer who fails to comply within two months with the Court's order will be guilty of an offence.

Section 10

This section provides that certain sections of the Act will apply equally to a man who seeks pay equal to that of a woman.

Section 11

Expenses.

Section 12

This section provides that the Act will come into operation on 31st December, 1975.

Section 13

Short title.

*An Roinn Saothair,
Feabhra, 1974.*