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**AN BILLE UM CHOMHIONANNAS FOSTAÍOCHTA  
(LEASÚ) (UIMH. 2), 2012  
EMPLOYMENT EQUALITY (AMENDMENT) (NO. 2) BILL  
2012**

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*Mar a tionscnaíodh  
As initiated*

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**ARRANGEMENT OF SECTIONS**

**Section**

1. Short title and commencement.
  2. Amendment of Section 6 of Employment Equality Acts 1998 and 2004.
  3. Amendment of Section 34 of Employment Equality Acts 1998 and 2004.
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ACT REFERRED TO:

Employment Equality Act 1998  
Equality Act 2004

1998, No. 21  
2004, No. 24



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(LEASÚ) (UIMH. 2), 2012  
EMPLOYMENT EQUALITY (AMENDMENT) (NO. 2) BILL  
2012

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# BILL

*entitled*

AN ACT TO MAKE FURTHER PROVISION FOR THE PRO-  
MOTION OF EQUALITY BETWEEN EMPLOYED PER-  
SONS BY PROHIBITING THE COMPULSORY RETIRE-  
MENT OF PERSONS AT THE AGE OF 65 YEARS OF AGE  
EXCEPT IN LIMITED CIRCUMSTANCES.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) This Act may be cited as the Employment Equality (Amendment) Act 2012.

Short title and  
commencement.

(2) This Act comes into operation on such day or days as may be fixed by an Order or Orders made by the Minister for Jobs, Enterprise and Innovation.

2.—Section 6(3) of the Employment Equality Act 1998 (as amended by the Equality Act 2004) is amended as follows. The following paragraphs shall be inserted after paragraph (d):

Amendment of  
Section 6 of  
Employment  
Equality Acts 1998  
and 2004.

“(e) The age ground includes any scheme or contractual arrangement whereby a person is compulsorily required to retire at or over the age of 65 years unless such age ground discrimination is proportionate and contributes to a legitimate aim.

(f) Subject to paragraphs (g), (h) and (i) of this section, a person shall not be compulsorily required to retire at or over the age of 65 years provided they meet any necessary health requirements for their continued employment, which requirements must similarly apply to all other co-employees of that person irrespective of their age.

(g) For the purpose of this section such age ground discrimination is proportionate where—

- (i) the age ground discrimination is required in order to achieve a legitimate aim as provided for in paragraph (h);
  - (ii) the age ground discrimination is significantly outweighed by the importance and benefits of the legitimate aim, and 5
  - (iii) the employer shall have no reasonable alternative to the action they are taking.
- (h) For the purpose of this section such age ground discrimination has a legitimate aim where— 10
- (i) it is necessary in order to ensure the health, welfare and safety of the person employed (including protection of young people or older workers), and
  - (ii) it is necessary because of particular training requirements of the job. 15
- (i) The age ground discrimination does not apply if there is a genuine occupational requirement for a job holder to be of a particular age.”.

Amendment of  
Section 34 of  
Employment  
Equality Acts 1998  
and 2004.

**3.**—Section 34 of the Employment Equality Act 1998 (as amended 20  
by the Equality Act 2004) is amended by deleting subsection (5).