



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

EXPLANATORY MEMORANDUM

[This Memo is to be associated with Bill No. 14 of 2012]

Preliminary

The purpose of this Bill is to prohibit the compulsory retirement of persons at the age of 65 years of age and, accordingly, to promote equality between employed persons.

Section 1 provides for the citation and commencement of the Bill.

Section 2 amends section 6(3) of the Employment Equality Act 1998 (as amended by the Equality Act 2004). It provides that the age ground identified in the Employment Equality Act shall include any scheme or contractual arrangement whereby a person is compulsorily required to retire at or over the age of 65 unless such age ground discrimination is proportionate and contributes to a legitimate aim. The section also provides that a person shall not be compulsorily retired at or over the age of 65 years provided they meet any necessary health requirements for their continued employment. The section also identified the basis upon which any age ground discrimination may be regarded as proportionate and as having a legitimate aim.

Section 3 provides for the deletion of subsection 5 of section 34 of the Employment Equality Act 1998 (as amended by the Equality Act 2004).

*Senator Mary M. White,
November, 2012*