



**SEANAD ÉIREANN**

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**AN BILLE UM CHOMHIONANNAS FOSTAÍOCHTA (LEASÚ)  
(UIMH. 2), 2013  
EMPLOYMENT EQUALITY (AMENDMENT) (NO.2) BILL  
2013**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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AN BILLE UM CHOMHIONANNAS FOSTAÍOCHTA (LEASÚ) (UIMH. 2),  
2013  
—AN COISTE

EMPLOYMENT EQUALITY (AMENDMENT) (NO.2) BILL 2013  
—COMMITTEE STAGE

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*Leasuithe  
Amendments*

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SECTION 2

1. In page 3, before section 2, to insert the following new section:

“2.—Section 6 of the Employment Equality Act 1998 is amended by substituting the following for subsection (2)(e):

“(e) that one has a different religion or belief from the other, or that one has a religion or belief and the other has not (in this Act referred to as the ‘religion or belief’ ground.”.”.

—*Senator Katherine Zappone.*

2. In page 3, line 23, after “below,” to insert “a religious institution, or”.

—*Senator Katherine Zappone.*

3. In page 3, line 32, after “religion” to insert “or belief”.

—*Senator Katherine Zappone.*

4. In page 4, to delete lines 1 to 4 and substitute the following:

“(ii) it takes action, on the religion or belief ground, which is reasonably necessary to prevent an employee or prospective employee from undermining the religious ethos of the institution, and that, by reason of the nature of the employment concerned or the context in which it is carried out, the action taken is objectively justified by a legitimate aim and the means of achieving the aim are appropriate and necessary.”.

—*Senator Katherine Zappone.*

5. In page 4, line 5, after “paragraph (a)” to insert “and the institutions named therein”.

—*Senator Katherine Zappone.*

6. In page 4, lines 5 to 8, to delete all words from and including “where” in line 5 down to and including “funds—” in line 8 and substitute the following:

“where the institution is an educational or medical institution—”.

—*Senator Averil Power.*

7. In page 4, to delete lines 22 to 29.

—*Senator Katherine Zappone.*

[ SECTION 2 ]

8. In page 4, to delete lines 30 to 33 and substitute the following:

“(c) The Minister, after consultation with the Minister for Education and Skills, and the Minister for Health, will issue guidelines to the institutions identified within this Act, to define and publish their ethos, and may issue further directions or guidelines for the purpose of giving effect to paragraph (b).”

—*Senator Katherine Zappone.*

9. In page 4, line 34, to delete “paragraph (b)” and substitute “paragraphs (a) or (b)”.

—*Senator Averil Power.*

10. In page 4, between lines 38 and 39, to insert the following:

“(e) Nothing in this subsection may be relied upon by an institution referred to in paragraph (a) or (b) of this subsection to justify or permit discrimination on the basis of sexual orientation or to allow any action to be taken against any employee or prospective employee on the basis of his or her sexual orientation.

(f) Nothing in this subsection may be relied upon by an institution referred to in paragraph (a) or (b) of this subsection to justify or permit discrimination on the basis of civil status or to allow any action to be taken against any employee or prospective employee on the basis that the employee or prospective employee is, was at any time in the past, has become, or has indicated an intention to become—

(i) a spouse,

(ii) a civil partner within the meaning of section 3 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, or

(iii) a cohabitant within the meaning of section 172 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

(g) Notwithstanding any provision in this subsection, an institution referred to in paragraph (a) or (b) of this subsection shall not be permitted to take action that treats a person less favourably on the basis of a lawful exercise of that person’s right to free expression or of that person’s right to free assembly.

(h) Notwithstanding any provision in this subsection, an institution referred to in paragraph (a) or (b) of this subsection shall not be permitted to take action that would, if carried out by the State, infringe that person’s right to privacy, in particular, in respect of his or her family life or private consensual adult relationships.

(i) Nothing in this subsection may be relied upon by an institution referred to in paragraph (a) or (b) of this subsection to justify or permit discrimination on the basis of gender or to allow any action to be taken against any employee or prospective employee on the basis of his or her gender, save where the institution is an institution established for the purpose of the training or preparation for ministry of ministers of religion or other persons engaged in religious ministry or work.”

—*Senator Averil Power.*

[ SECTION 3 ]

SECTION 3

**11.** In page 4, before section 3, to insert the following new section:

“3.—Section 2(1) of the Employment Equality Act 1998 and section 2(1) of the Equal Status Act 2000 are amended by substituting the following for the definition of “civil status” in each Act:

“ ‘civil status’ means being single, married, separated, divorced, widowed, in a civil partnership within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 or being a former civil partner in a civil partnership that has ended by death or been dissolved, or being or having been a cohabitant or qualified cohabitant within the meaning of section 172 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;”.”

—*Senator Averil Power.*

TITLE

**12.** In page 3, lines 12 to 14, to delete all words from and including “IN” in line 12 down to and including “OIREACHTAS” in line 14.

—*Senator Averil Power.*