



An Bille um Stádas Comhionann (Promhadh Comhionannais) (Leasú), 2016
Equal Status (Equality Proofing) (Amendment) Bill 2016

Mar a tionscnaíodh

As initiated



**AN BILLE UM STÁDAS COMHIONANN (PROMHADH COMHIONANNAIS)
(LEASÚ), 2016
EQUAL STATUS (EQUALITY PROOFING) (AMENDMENT) BILL 2016**

Mar a tionscnaíodh

As initiated

CONTENTS

Section

1. Interpretation
2. Amendment of section 3(2) of Act of 2000
3. Insertion of PART VI into Act of 2000
4. Short title and commencement

ACTS REFERRED TO

Criminal Justice (Release of Prisoners) Act 1998 (No. 36)

Equal Status Act 2000 (No. 3)



**AN BILLE UM STÁDAS COMHIONANN (PROMHADH COMHIONANNAIS)
(LEASÚ), 2016
EQUAL STATUS (EQUALITY PROOFING) (AMENDMENT) BILL 2016**

Bill

entitled

5

An Act to promote equality in the functioning of public bodies, to provide that regard be had by public bodies to the desirability of reducing socio-economic and other inequalities, to provide for the carrying out of equality impact assessments in respect of measures that are likely to have a significant impact or effect on the equality of opportunity between persons, to provide for the administration by the Equality Authority of various matters pertaining to this act, to amend the Equal Status Act 2000, and to provide for related matters. 10

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act— 15
- “Act of 1998” means the Criminal Justice (Release of Prisoners) Act 1998;
- “Act of 2000” means the Equal Status Act 2000.

Amendment of section 3(2) of Act of 2000

2. Section 3(2) of the Act of 2000 is amended by the insertion of the following after paragraph (g): 20
- “(ga) that one is a member of a Trade Union and the other is not (the ‘Trade Union ground’);
- (gb) that one is from a particular socio-economic background and the other is not (the ‘socio-economic ground’);
- (gc) that one is a native Irish language speaker and the other is not (the ‘language ground’); 25
- (gd) that one has a criminal conviction and the other has not (the ‘criminal conviction ground’);
- (ge) that one is a qualifying prisoner and has and continues to benefit from the exercise of a power of release pursuant to section 4 of the Act of 1998 and a person with no conviction (the ‘conflict related 30

conviction ground’);

(gf) that one resides in a rural area and the other does not (the ‘rural ground’).”.

Insertion of PART VI into Act of 2000

3. The Act of 2000 is amended by inserting the following Part after Part V: 5

“PART VI

Equality Impact schemes and assessments

49. In this Part—

‘measure’ includes any enactment and any executive decision, designation, determination, policy, requirement, specification or other act of an equivalent effect made by a public body and, for the avoidance of doubt, includes enactments in a Money Bill within the meaning of Bunreacht na hÉireann; 10

‘public body’ includes any person or body established by law and through which any of the legislative or executive powers of the State are exercised, other than the President. 15

Promotion of equality

50. A public body in carrying out its functions shall have regard to the need to promote equality of opportunity between those categories of persons specified in section 3(2) of this Act. 20

Functions of Authority

51. (1) The Authority shall—

(a) keep under review the effectiveness of the duties imposed by section 50;

(b) offer advice to public bodies and others in connection with those duties; 25

(c) carry out the functions conferred on it by the following provisions; and

(d) publish a guideline in accordance with section 53.

(2) A public body shall before the end of the period of six months beginning with the commencement of this Part or, if later, from the establishment of the public body, submit an equality impact scheme to the Authority, and where appropriate a rural equality impact scheme. 30

(3) Where it thinks appropriate the Authority may request any public body to make a revised scheme. 35

(4) A scheme shall show how the public body proposes to fulfil the duties imposed by section 50.

- (5) A scheme shall state, in particular, the public body's arrangements—
- (a) for assessing its compliance with the duties under section 50 and for consulting on matters to which a duty under that section is likely to be relevant (including details of the persons to be consulted); 5
 - (b) for assessing and consulting on the likely impact of a measure adopted or proposed to be adopted by the public body on the promotion of equality of opportunity;
 - (c) for monitoring any adverse impact of a measure adopted by the public body on the promotion of equality of opportunity; 10
 - (d) for assessing the impact of a measure on the promotion of equality of opportunity, or on the elimination or lessening of existing discrimination;
 - (e) for publishing the results of such assessments as are mentioned in paragraph (b) and such monitoring as is mentioned in paragraph (c); 15
 - (f) for training staff;
 - (g) for ensuring, and assessing, public access to information and to services provided by the public body; and
 - (h) for carrying out an equality impact assessment for a measure or proposed measure which has or is likely to have a significant impact on the equality of opportunity between persons referred to in section 50(2). 20
- (6) A scheme shall—
- (a) conform to any guideline as to form or content which are issued by the Authority; 25
 - (b) specify a timetable for measures proposed in the scheme; and
 - (c) include details of how it will be published.
- (7) Before submitting a scheme a public body shall consult, in accordance with any directions given by the Authority— 30
- (a) representatives of persons likely to be affected by the scheme; and
 - (b) such other persons as may be specified in the directions.
- (8) On receipt of a scheme the Authority shall—
- (a) approve it, with or without modification; or
 - (b) request the public body to make a revised scheme. 35
- (9) If a public body wishes to revise a scheme it may submit a revised scheme to the Authority.
- (10) A public body shall submit to the Authority for review an annual report on the operation and performance of the scheme.

- (11) A public body shall, before the end of the period of five years beginning with the submission of its current scheme, or the latest review of that scheme under this section, whichever is the later, review that scheme and inform the Authority of the outcome of the review.

Equality Impact Assessment 5

52. In publishing the results of an equality impact assessment, a public body shall state the aims of the measure to which the assessment relates and give details of any consideration given by the body to—

- (a) measures which might mitigate any adverse impact of that measure on the promotion of equality of opportunity; and 10
- (b) an alternative measure which might better achieve the promotion of equality of opportunity, or would better eliminate or lessen existing discrimination.

Guidelines

53. (1) The Authority shall, as soon as practicable after the commencement day, publish guidelines to be complied with by public bodies in respect of the duties imposed on public bodies by section 51 and section 54 and for the purposes of obtaining approval from the Authority for a scheme under section 51. 15

(2) The Authority shall publish the guidelines under subsection (1) in such form and manner as it thinks appropriate (including on the internet) specifying the date on which the guideline shall come into operation. 20

(3) The Authority may amend or revoke guidelines established under subsection (1).

(4) Without prejudice to the generality of subsection (1), guidelines established under that subsection shall specify requirements relating to the carrying out of equality impact assessments in respect of a measure that has, or is likely to have, a significant impact or effect on the equality of opportunity between persons referred to in section 50(2). 25

Inequalities of outcome 30

54. (1) A public body in carrying out its functions shall have regard to the desirability of exercising its functions in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.

(2) In deciding how to fulfil a duty to which it is subject under subsection (1) a public body must take into account any guidelines issued by the Authority. 35

Failure to comply

55. A failure by a public body to comply with its duty under section 50 or section 54, or to make or comply with a scheme under section 51, shall be prohibited conduct for the purposes of Part III.”. 40

Short title and commencement

4. (1) This Act may be cited as the Equal Status (Equality Proofing) (Amendment) Act 2016.
- (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions. 5

An Bille um Stádas Comhionann (Promhadh
Comhionannais) (Leasú), 2016

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do chur an chomhionannais chun cinn i bhfeidhmiú comhlachtaí poiblí, do dhéanamh socrú chun go mbeidh aird ag comhlachtaí poiblí ar a inmhianaithe atá sé éagothromais shocheacnamaíocha agus eile a laghdú, do dhéanamh socrú maidir le measúnachtaí tionchair comhionannais a dhéanamh i leith bearta ar dóigh tionchar suntasach a bheith acu nó éifeacht shuntasach a bheith leo ar chomhionannas deiseanna idir daoine, do dhéanamh socrú maidir leis an Údarás Comhionannais do riaradh nithe éagsúla a bhaineann leis an Acht seo, do leasú an Achta um Stádas Comhionann, 2000, agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*An Teachta David Cullinane a thug isteach,
9 Meitheamh, 2016*

Equal Status (Equality Proofing)
(Amendment) Bill 2016

BILL

(as initiated)

entitled

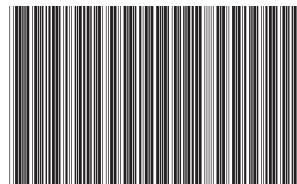
An Act to promote equality in the functioning of public bodies, to provide that regard be had by public bodies to the desirability of reducing socio-economic and other inequalities, to provide for the carrying out of equality impact assessments in respect of measures that are likely to have a significant impact or effect on the equality of opportunity between persons, to provide for the administration by the Equality Authority of various matters pertaining to this Act, to amend the Equal Status Act 2000, and to provide for related matters.

*Introduced by Deputy David Cullinane,
9th June, 2016*

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€1.27



978-1-4468-3442-8