



SEANAD ÉIREANN

**AN BILLE UM FHAISNÉIS FAOIN DIFRÍOCHT PÁ IDIR NA
HINSCNÍ, 2019**

GENDER PAY GAP INFORMATION BILL 2019

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM FHAISNÉIS FAOIN DIFRÍOCHT PÁ IDIR NA HINSCNÍ, 2019 —AN COISTE

GENDER PAY GAP INFORMATION BILL 2019 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 1

- *1. In page 3, line 17, to delete “Minister for Justice and Equality” and substitute “Minister for Children, Equality, Disability, Integration and Youth”.

SECTION 2

2. In page 3, line 21, to delete “as soon as is reasonably practicable” and substitute “immediately”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

3. In page 3, line 21, to delete “as soon as is reasonably practicable after” and substitute “within three months of”.

—*Senator Alice-Mary Higgins.*

4. In page 3, after line 29, to insert the following:

- “(i) a gender breakdown of full time employees;
- (ii) a gender breakdown of part time employees;
- (iii) a gender breakdown of employees with a flexible working hours contract;”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

5. In page 4, to delete lines 13 to 18 and substitute the following:

- “(v) the difference between the mean hourly remuneration of part-time employees of the female gender and that of—
 - (I) part-time employees of the male gender, and
 - (II) full-time employees of the male gender,expressed in each case as a percentage;
- (vi) the difference between the median hourly remuneration of part-time employees of the female gender and that of—
 - (I) part-time employees of the male gender, and
 - (II) full-time employees of the male gender,

[SECTION 2]

expressed in each case as a percentage;”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

6. In page 4, between lines 18 and 19, to insert the following:

“(vii) the difference between the median hourly remuneration of persons contracted for services by a company or a public body of the male gender and that of persons contracted for services by a company or a public body of the female gender expressed as a percentage;”.

—*Senator Alice-Mary Higgins.*

7. In page 4, between lines 21 and 22, to insert the following:

“(viii) the percentage of all employees of the male gender who received shares as part of a remuneration package and the percentage of all employees of the female gender who received the same form of remuneration;”.

—*Senator Alice-Mary Higgins.*

8. In page 4, between lines 21 and 22, to insert the following:

“(viii) the percentage of all employees of the male gender who are in receipt of tax relief as part of the Special Assignee Relief Programme and the percentage of all employees of the female gender who are in receipt of tax relief as part of the same;”.

—*Senator Alice-Mary Higgins.*

9. In page 4, to delete line 25.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

10. In page 4, line 32, to delete “(if any)”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

11. In page 4, to delete line 34 and substitute the following:

“employer’s case,

and

(d) employers who are party to a collective agreement negotiated with a recognised trade union or staff association to consult with the trade union or staff association concerned both prior to and following upon the publication of the information referred to in this section.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

[SECTION 2]

12. In page 4, line 37, after “regulations” to insert “and will outline such supports as may be offered for the same”.

—*Senator Alice-Mary Higgins.*

13. In page 4, to delete lines 38 to 41, and in page 5, to delete lines 1 to 10 and substitute the following:

“(3) Regulations made under this section shall not apply to an employer having fewer than 20 employees.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

14. In page 4, line 39, to delete “50 employees” and substitute “20 employees”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan, Alice-Mary Higgins.*

15. In page 4, line 41, to delete “250 employees” and substitute “150 employees”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan, Alice-Mary Higgins.*

16. In page 5, to delete lines 1 and 2 and substitute “the 1st anniversary of the commencement of this section.”.

—*Senator Alice-Mary Higgins.*

17. In page 5, line 1, to delete “2nd anniversary of” and substitute “12 months following”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

18. In page 5, to delete lines 3 to 6.

—*Senator Alice-Mary Higgins.*

19. In page 5, line 4, to delete “150 employees” and substitute “50 employees”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

20. In page 5, line 5, to delete “3rd anniversary of” and substitute “18 months following”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

21. In page 5, line 8, to delete “or (c)”.

—*Senator Alice-Mary Higgins.*

22. In page 5, line 11, to delete “may” and substitute “shall”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall, Alice-Mary Higgins.*

[SECTION 2]

23. In page 5, between lines 15 and 16, to insert the following:

“(aa) regulations made under this section will apply to legal partnerships and multi-disciplinary practices as defined in the Legal Services Regulation Act 2015.”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

24. In page 5, line 22, to delete “may” and substitute “shall”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall, Alice-Mary Higgins.*

25. In page 5, line 23, after “manner” to insert “(which shall include, if the employer concerned maintains a website, publication on that website)”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

26. In page 5, lines 23 and 24, to delete “(which shall not be more frequent than once in each year)” and substitute “(which shall be at least annually)”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

27. In page 5, line 27, after “relates,” to insert “and their recognised trade union or staff association (if any),”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

28. In page 5, to delete lines 29 and 30 and substitute the following:

“(6) (a) Regulations made under this section shall require the employer to publish information in respect of a public body and, for the purposes of this paragraph, a person holding office in or employed in the service of a public body is deemed to be an employee of that public body.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

29. In page 5, line 29, to delete “may” and substitute “shall”.

—*Senator Alice-Mary Higgins.*

30. In page 7, line 15, to delete “may” and substitute “shall”.

—*Senator Alice-Mary Higgins.*

31. In page 7, line 21, to delete “may” and substitute “shall”.

—*Senator Alice-Mary Higgins.*

32. In page 8, line 12, to delete “may” and substitute “shall”.

—*Senator Alice-Mary Higgins.*

[SECTION 2]

33. In page 8, after line 38, to insert the following:

“(11) The Minister may set out in regulation such financial penalties as are deemed appropriate where a concerned person does not comply with the provisions of section 20A.”.

—*Senator Alice-Mary Higgins.*

34. In page 8, after line 38, to insert the following:

“(11) The Minister may set out in regulation such financial or other penalties as are deemed appropriate where a concerned person does not comply with the provisions of section 20A.”.

—*Senator Alice-Mary Higgins.*

35. In page 8, after line 38, to insert the following:

“(11) The Minister may by regulation specify circumstances in which a company shall be required to provide evidence of compliance with section 20A.”.

—*Senator Alice-Mary Higgins.*

36. In page 8, after line 38, to insert the following:

“(11) The Minister may by regulation specify circumstances in which a company shall be required to provide evidence of compliance with section 20A, which may include:

- (a) application for public grants, funds or loans, and
- (b) submission of tender for public contracts.”.

—*Senator Alice-Mary Higgins.*

SECTION 3

37. In page 9, between lines 20 and 21, to insert the following:

“(4) Failure to comply with an order granted by the Circuit Court by the person concerned would be a Category 4 offence subject to a class A fine.

(5) In making regulations under this section, where an employer fails to publish the required information on more than one occasion within a five year period, the Minister shall request that the company title be published by the Irish Human Rights and Equality Commission.”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

[SECTION 3]

38. In page 9, between lines 20 and 21, to insert the following:

“(4) The Minister may set out in regulation such financial or other penalties as are deemed appropriate where a concerned person does not comply with a compliance order issued under section 85B within 12 months of the date of such a compliance order.”.

—*Senator Alice-Mary Higgins.*

SECTION 4

- *39. In page 10, line 36, to delete “section 85D” and substitute “section 85C”.

SECTION 5

40. In page 11, line 7, after “request.” to insert “This subsection is without prejudice to the entitlement of the Commission to exercise its powers under this section in any such case of its own motion.”.

—*Senators Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

SECTION 6

41. In page 11, between lines 7 and 8, to insert the following:

“6. Section 10C of the National Minimum Wage Act 2000 is amended in subsection (1) by the insertion of following paragraph after paragraph (a):

“(aa) examine structural pay inequalities for women and in-work poverty, and”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

42. In page 11, line 9, after “review” to insert “to be published”.

—*Senator Alice-Mary Higgins.*

43. In page 11, line 10, to delete “4th anniversary” and substitute “3rd anniversary”.

—*Senator Alice-Mary Higgins.*

44. In page 11, line 11, after “section” to insert “and shall review the same not less than every three years subsequently”.

—*Senator Alice-Mary Higgins.*

SECTION 7

45. In page 11, between lines 11 and 12, to insert the following:

“Report

7. The Minister shall, within three years of the passing of this Act, lay a report before both Houses of the Oireachtas outlining a sectoral analysis with respect to the information published under *section 2* and further recommendations based upon such analysis in terms of reducing the gender pay gap.”.

—*Senator Alice-Mary Higgins.*

[SECTION 7]

46. In page 11, to delete lines 19 to 22 and substitute the following:

“(1) This Act shall come into operation three months after it has been passed by both Houses of the Oireachtas or a prior date which the Minister may appoint by order.”.

—*Senator Alice-Mary Higgins.*

TITLE

47. In page 3, line 13, after “2014;” to insert the following:

“to amend the National Minimum Wage Act 2000 to extend the functions of the Commission to examine structural pay inequalities for women and in-work poverty in the functions;”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*