



**An Bille um Chomhionannas (Forálacha Ilghnéitheacha),
2021**

Equality (Miscellaneous Provisions) Bill 2021

Meabhrán Mínitheach
Explanatory Memorandum



**AN BILLE UM CHOMHIONANNAS (FORÁLACHA
ILGHNÉITHEACHA), 2021
EQUALITY (MISCELLANEOUS PROVISIONS) BILL 2021**

EXPLANATORY MEMORANDUM

Purpose of the Bill

Irish equality legislation comprises two major parts, the Employment Equality Acts and the Equal Status Acts.

The Employment Equality Acts 1998-2015 prohibit discrimination in relation to employment, including vocational training and work experience. They cover the nine grounds of gender, marital status, family status, age, disability, sexual orientation, race, religion, and membership of the Traveller community.

The Equal Status Acts 2000-2018 ('the Acts') prohibit discrimination in the provision of goods and services, accommodation and education. They cover the nine grounds of gender, marital status, family status, age, disability, sexual orientation, race, religion, and membership of the Traveller community. In addition, the Acts prohibit discrimination in the provision of accommodation services against people who are in receipt of rent supplement, housing assistance, or social welfare payments.

The purpose of this Bill is to expand the protection of both Acts to prohibit discrimination on the basis of disadvantaged socio-economic status. This would involve an amendment to section 6(2) of the Employment Equality Act 1998 (as amended) and section 3(2) of the Equal Status Act 2000 (as amended), in order to include a new ground based on disadvantaged socioeconomic status.

The purpose of these amendments is to ensure that persons can no longer be discriminated against on the basis that they come from a disadvantaged socio-economic area or background. For instance, if this Bill was enacted employers could not discriminate against a job applicant or current employee because of their accent or because he or she came from a disadvantaged local authority estate or an area that is associated with higher levels of criminality or anti-social behaviour. Further, it would not be permissible for service providers to discriminate against people because of where they live.

The introduction of a socio-economic status ground would give people who experience discrimination on this ground the practical means to challenge their experience. It would also be of symbolic importance for the State to make clear to society and the people that face this discrimination that such discrimination is not to be tolerated. By continuing to exclude socio economic status in equality legislation, we are creating a hierarchy of equality in which we prohibit and recognise certain forms of discrimination

whereas we don't prohibit or recognise others forms such as discrimination in relation to socio-economic background. This does not send the right message to other excluded groups and this bill aims to address this issue also.

Provisions of the Bill

Section 1 provides that references to the "Act of 1998" mean the Employment Equality Act 1998 and that references to the "Act of 2000" mean the Equal Status Act 2000.

Section 2 amends section 2 of Act of 1998 to include a new definition for "socio-economic disadvantage."

Section 3 amends section 6(2) of the Act of 1998 which addresses discrimination for the purposes of that Act by inserting the following after paragraph (i):

"(j) that one has a socio-economic disadvantage and the other either does not have a socio-economic disadvantage or is a person with a different socio-economic disadvantage (in this Act referred to as the 'socio-economic ground')."

Section 4 amends section 28(1) of Act of 1998 which addresses the comparators for the purpose of that Act by substituting in paragraph (h) "or vice versa;" for "or vice versa." and by inserting the following after that paragraph:

"(i) "in relation to the socio-economic ground, C is a person with a socio-economic disadvantage and D is not, or vice versa, or C and D have different socio-economic disadvantages."

Section 5 amends section 34(1) of Act of 1998 which addresses savings and exceptions related to the family, age or disability by substituting "paragraphs (a) to (i)" for "paragraphs (a) to (h)".

Section 6 amends section 37(1C) of Act of 1998 which addresses exclusion of discrimination on particular grounds in certain employments by substituting "membership of the Traveller community or socio-economic disadvantage," for "or membership of the Traveller community,".

Section 7 amends section 2 of Act of 2000 to include a new definition for "socio-economic disadvantage."

Section 8 amends section 3(2) of Act of 2000 which addresses discrimination for the purposes of that Act by inserting the following after paragraph (i):

"(ia) that one has a socio-economic disadvantage and the other either does not have a socio-economic disadvantage or is a person with a different socio-economic disadvantage (in this Act referred to as the "socio-economic ground")."

Section 9 amends section 6(6) and 6(7) of Act of 2000 which addresses the disposal of premises and provision of accommodation in subsection (6) by substituting the following for paragraph (b)—

"(b) a body approved under section 6 of the Housing (Miscellaneous Provisions) Act 1992, from providing, in relation to housing accommodation, different treatment to persons based on family size, family status, civil status, disability, age, membership of the Traveller community, or socio-economic disadvantage status,".

and in subsection (7) by substituting "membership of the Traveller community or socio-economic disadvantage," for "or membership of the Traveller community,".

Section 10 amends section 9(1)(a) of Act of 2000 which addresses non-discriminating clubs by deleting “or” in subparagraph (ii), substituting “religious belief, or” for “religious belief,” in subparagraph (iii) and inserting the following after subparagraph (iii):

“(iv) persons who have a particular socio-economic disadvantage,”.

Section 11 contains the short title, collective citation and commencement arrangements.

Chris Andrews, TD,

Violet-Anne Wynne, TD,

Eanáir, 2021.