

# EQUALITY (MISCELLANEOUS PROVISIONS) BILL 2017

## Introduction

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

Section 6 of the Employment Equality Acts 1998 to 2015 provides a prohibition on discrimination in respect of employment and access to employment. It states:

### ***“6. Discrimination for the purposes of this Act***

*(1) For the purposes of this Act and without prejudice to its provisions relating to discrimination occurring in particular circumstances discrimination shall be taken to occur where—*

*(a) a person is treated less favourably than another person is, has been or would be treated in a comparable situation on any of the grounds specified in subsection (2) (in this Act referred to as the “discriminatory grounds”) which—*

*(i) exists,*

*(ii) existed but no longer exists,*

*(iii) may exist in the future, or*

*(iv) is imputed to the person concerned,*

*(b) a person who is associated with another person—*

*(i) is treated, by virtue of that association, less favourably than a person who is not so associated is, has been or would be treated in a comparable situation, and*

*(ii) similar treatment of that other person on any of the discriminatory grounds would, by virtue of paragraph (a), constitute discrimination.]*

*(2) As between any 2 persons, the discriminatory grounds (and the descriptions of those grounds for the purposes of this Act) are—*

*(a) that one is a woman and the other is a man (in this Act referred to as “the gender ground”),*

*(b) that they are of different [civil] status (in this Act referred to as “the [civil] status ground”),*

*(c) that one has family status and the other does not (in this Act referred to as “the family status ground”),*

*(d) that they are of different sexual orientation (in this Act referred to as “the sexual orientation ground”),*

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

*(f) that they are of different ages, but subject to subsection (3) (in this Act referred to as “the age ground”),*

*(g) that one is a person with a disability and the other either is not or is a person with a different disability (in this Act referred to as “the disability ground”),*

*(h) that they are of different race, colour, nationality or ethnic or national origins (in this Act referred to as “the ground of race”),*

*(i) that one is a member of the Traveller community and the other is not (in this Act referred to as “the Traveller community ground”).....”*

Section 3 of the Equal Status Acts 2000 to 2015 provides for a prohibition on discrimination in the provision of services in similar terms to that laid out in the Employment Equality Acts. It states that:

**“3(1) For the purposes of this Act, discrimination shall be taken to occur—**

*(a) where a person is treated less favourably than another person is, has been or would be treated in a comparable situation on any of the grounds specified in subsection (2) (in this Act referred to as the “discriminatory grounds”) which —*

- (i) exists,*
- (ii) existed but no longer exists,*
- (iii) may exist in the future, or*
- (iv) is imputed to the person concerned,*

*(b) where a person who is associated with another person—*

*(i) is treated, by virtue of that association, less favourably than a person who is not so associated is, has been or would be treated in a comparable situation, and*

*(ii) similar treatment of that other person on any of the discriminatory grounds would, by virtue of paragraph*

*(a), constitute discrimination,*

Or

*(c) where an apparently neutral provision puts a person referred to in any paragraph of section 3(2) at a particular disadvantage compared with other persons, unless the provision is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.*

*(2) As between any two persons, the discriminatory grounds (and the descriptions of those grounds for the purposes of this Act) are:*

- (a) that one is male and the other is female (the “gender ground”),*
- (b) that they are of different marital status (the “marital status ground”),*
- (c) that one has family status and the other does not or that one has a different family status from the other (the “family status ground”),*
- (d) that they are of different sexual orientation (the “sexual orientation ground”),*
- (e) that one has a different religious belief from the other, or that one has a religious belief and the other has not (the “religion ground”),*
- (f) subject to subsection (3), that they are of different ages (the “Age ground”),*
- (g) that one is a person with a disability and the other either is not or is a person with a different disability (the “disability ground”),*
- (h) that they are of different race, colour, nationality or ethnic or national origins (the “ground of race”),*
- (i) that one is a member of the Traveller community and the other is not (the “Traveller community ground”)*

Accordingly, the Employment Equality Acts and the Equal Status Acts prohibit discrimination based on nine specified grounds. Statutory intervention to expand the protection of both Acts to prohibit discrimination on the basis of disadvantaged socio-economic or social background would involve an amendment to Section 6(2) of the Employment Equality Acts and Section 3(2) of the Equal Status Acts, in order to include a new ground based on disadvantaged socio-economic 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 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.

Section 1 is a standard definition section.

Section 2 amends section 2 of the Employment Equality Acts and expands the definitions in section 2 which defines the various discriminatory grounds.

Section 3 amends section 6 of the Employment Equality Acts through the insertion of the following subparagraph

*“(x) That one has a disadvantaged socio-economic status and the other has not.”*

Section 4 amends section 2 of the Equal Status Acts and expands the definitions in section 2 which defines the various discriminatory grounds.

Section 5 amends section 3 of the Equal Status Acts through the insertion of the following subparagraph

*“(x) That one has a disadvantaged socio-economic status and the other has not.”*

Section 6 contains the short title, collective citation and commencement mechanism for the Act

**Deputies Jim O’Callaghan and Fiona O’Loughlin.**