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FLASH REPORT

Country:	Ireland
Title:	Gender Pay Gap
Date:	18 September 2019
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Update of flash report:	Ireland - Gender Pay Gap (PDF 137 kB)
<u>Context</u>	
Issue at stake:	Gender Pay Gap
Grounds of discrimination:	Gender
Field of application:	Equal Pay
Source:	National legislation
Applicable law:	Employment Equality Acts 1998 to 2015

Content

Law: The Gender Pay Gap Information Bill 2019 was published in April 2019. As drafted, the Bill provides that there will be an amendment to the Employment Equality Act 1998¹ (as amended). The Bill, when enacted, will permit the Minister for Justice and Equality to make regulations employers of large corporations to publish information relating to the gender pay gap in their firm or organisation. Employers will also be required to show proposals as to how they propose to eliminate the gender pay gap in their firm.

The Minister will have to produce regulations requiring employers to publish information relating to pay for the purposes of showing as to whether there is a difference in pay referable to gender, and the size of the difference, if any. The information which has to be published includes the difference between both the mean and the median hourly pay of male and female employees; the difference between both the mean and the median of bonus pay of male and female employees; the difference between the mean and the median hourly pay of part-time male and female employees and the percentage of male and female employees who received bonuses and benefits in kind. The differences shall be expressed in percentages. The employer will have to publish the reasons for such differences.

The proposed legislation will apply to employers with 250 or more employees in the first two years post commencement. Then in the third year the legislation will apply to employments who have 150 or more employees. Then the provisions will apply to employments of 50 or more employees. There is a provision for pseudonymisation of the personal data.

There will also be specific provisions for government departments and the police and defence forces.

¹ Employment Equality Act, 1998, number 21 of 1998, available at: <http://www.irishstatutebook.ie/eli/1998/act/21/enacted/en/html>.

There is a provision for the appointment of designated officers to ensure that the information published by employers is accurate. The officers will have the power to enter premises and inspect records of an employer. If an employer fails to comply with a requirement of a designated officer, application can be made to the Circuit Court for an order requiring compliance. If an employer then fails to comply, the employer will be in contempt of court and subject to fines and or imprisonment. Also, if an employer fails to comply, the Irish Human Rights and Equality Commission can also apply to the Circuit Court for an order requiring the employer to comply.

An employee who considers that their employer has failed to comply with the requirement to publish pay gap information may make an application to the Workplace Relations Commission who will investigate the complaint. If the complaint is upheld, the employer may be ordered to take a specified course of action to comply with the regulations. To date there is no provision for the payment of compensation to the employee nor a provision stating that a fine may be imposed.

Given that the proposed legislation is an amendment of the Employment Equality Act 1998, the broad definition of remuneration will apply.

Key points of analysis: As the draft regulations have not been published, the precise detail of the proposals is not yet known.

One employer, the accountancy firm PWC, has issued its gender pay gap information and shows the gender pay gap is 5.7 % and the overall gender bonus gap is 11.8 % which is a result of more men being in senior roles within the firm.

At present, the draft legislation is being debated in parliament.

Internet link source: <https://www.oireachtas.ie/en/bills/bill/2019/30/>,
<https://www.pwc.ie/publications/2019/gender-pay-gap-report-pwc-ireland.pdf>.