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**An Bille um Fhaisnéis faoi Luach Saothair agus um Thrédhearcacht Pá, 2023**  
**Remuneration Information and Pay Transparency Bill 2023**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE UM FHAISNÉIS FAOI LUACH SAOTHAIR AGUS UM  
THRÉDHEARCACHT PÁ, 2023  
REMUNERATION INFORMATION AND PAY TRANSPARENCY BILL 2023**

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ACTS REFERRED TO

Employment Equality Act 1998 (No. 21)

Employment Equality Acts 1998 to 2021

Gender Pay Gap Information Act 2021 (No. 20)



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**AN BILLE UM FHAISNÉIS FAOI LUACH SAOTHAIR AGUS UM  
THRÉDHEARCACHT PÁ, 2023  
REMUNERATION INFORMATION AND PAY TRANSPARENCY BILL 2023**

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# Bill

*entitled*

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An Act to make further and better provision for equality between employed persons by providing for transparency in respect of matters relating to remuneration, and for that and other purposes to amend the Employment Equality Acts 1998 to 2021 and to provide for related matters.

**Be it enacted by the Oireachtas as follows:**

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## Definitions

1. In this Act—

“Act of 2021” means the Gender Pay Gap Information Act 2021;

“Minister” means the Minister for Children, Equality, Disability, Integration and Youth;

“Principal Act” means the Employment Equality Act 1998.

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## Amendment of section 2 (interpretation) of Principal Act

2. Section 2 of the Principal Act is amended—

(a) in subsection (1)—

(i) in the definition of “employee” by the substitution of “subject to subsections (3) and (3A)” for “subject to subsection (3)”, and

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(ii) in the definition of “employer” by the substitution of “subject to subsections (3) and (3A)” for “subject to subsection (3)”,

and

(b) by the insertion of the following subsection after subsection (3):

“(3A) In this Act, where the context admits or requires—

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(a) a reference to ‘employee’, in relation to any purpose to which section 7B or 7C relates, includes a prospective employee, and

(b) a reference to ‘employer’, in relation to any purpose to which section 7B or 7C relates, includes a prospective employer.”.

## Transparency of remuneration

3. The Principal Act is amended by inserting the following sections after section 7:

### *“Remuneration information and prevention of discrimination*

#### **Application of sections 7A to 7C**

**7A.** This section and sections 7B and 7C do not apply to an employer having fewer than 50 employees. 5

#### **Remuneration information**

**7B.** (1) Subject to subsections (2) to (4), the purpose of this section and section 7C is to prevent an employer or a prospective employer, either directly or through an employment agency or by any other means, seeking information in respect of an employee or a prospective employee relating to the current or any previous remuneration received by him or her and, accordingly, an employer or prospective employer shall not so seek such information. 10

(2) Nothing in subsection (1) shall be construed so as to prevent an employee or prospective employee from disclosing voluntarily and without prompting his or her previous or current remuneration information to an employer, prospective employer or an employment agency. 15

(3) (a) Nothing in this section shall be construed as preventing an employer to whom subsection (1) relates from seeking information from any source other than from the employee or prospective employee concerned on the ranges of remuneration or aggregate remuneration provided for positions that are comparable to the position for which an employee or prospective employee is or may be applying. 20 25

(b) Where the employer or prospective employer has obtained information to which paragraph (a) relates, then, subject to compliance with sections 6 and 7, nothing in this section shall prohibit the employer or prospective employer from considering or relying on such information in determining the remuneration concerned. 30

(4) Except where section 6 or 7 is of relevance, subsection (1) does not apply to remuneration information that is either—

(a) publicly available, or 35

(b) available to an employer in respect of current or previous employment of an employee.

#### **Remuneration range information**

**7C.** An employer shall not, without reasonable excuse (proof whereof shall lie with the employer), publish or display, or cause to be published or displayed, an advertisement to recruit an employee or prospective employee for a vacancy without including the remuneration for the position or the range of expected remuneration for a position.”. 40

#### **Amendment of section 20A (gender pay gap information) of Principal Act**

4. Section 20A (inserted by the Act of 2021) of the Principal Act is amended—

- (a) in subsection (1)(c) by the substitution of “to which paragraphs (a) and (b) relate” for “referred to in this section”,
- (b) by the insertion of the following after subsection (1):
  - “(1A) The Minister shall, as soon as is reasonably practicable after the commencement of *section 2* of the *Remuneration Information and Pay Transparency Act 2023* and in accordance with this section, make regulations requiring—
    - (a) employers to publish the remuneration or the range of expected remuneration for positions as advertised in accordance with section 7B, 10
    - (b) where the remuneration or the range of expected remuneration for a position was not included in an advertisement, the employer concerned to publish, concurrently with the publication of information to which paragraph (a) relates, a statement setting out—
      - (i) in the employer’s opinion, the reasons why that information was not included in the advertisement, and
      - (ii) where appropriate, the measures (if any) being taken, or proposed to be taken, by the employer to provide in future advertisements the information to which section 7B relates. 15
  - (1B) Regulations made by the Minister under subsection (1A) apply to any of the discriminatory grounds set out in section 6 except where otherwise provided for by such regulations.”, 20
- (c) in subsection (3)(b) by the substitution of “in each case under subsection (1) or (1A) as the case may be” for “under this section”, 25
- (d) in subsection (3)(c) by the substitution of “in each case under subsection (1) or (1A) as the case may be” for “under this section”, and
- (e) in subsection (9) by the substitution of “subsection (1)” for “this section”. 30

#### **Amendment of section 85C (redress through Workplace Relations Commission) of Principal Act**

5. Section 85C (inserted by the Act of 2021) of the Principal Act is amended by the insertion of the following after subsection (1):

- “(1A) A person who is or was a prospective employee to whom section 7B or 7C relates (in this section referred to as the ‘complainant’) who claims that his or her prospective employer (in this section referred to as the ‘respondent’) has failed to comply with section 7B of 7C or regulations made under section 20A (such claim in this section being referred to as the ‘complaint’) may refer the complaint to the Director General of the Workplace Relations Commission.” 35
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**Short title, collective citation and commencement**

6. (1) This Act may be cited as the Remuneration Information and Pay Transparency Act 2023.
- (2) The collective citation Employment Equality Acts 1998 to 2021 and this Act may be cited as the Employment Equality Acts 1998 to 2023. 5
- (3) This Act comes into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.





An Bille um Fhaisnéis faoi Luach Saothair  
agus um Thrédhearcacht Pá, 2023

# BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú breise agus feabhsaithe maidir le comhionannas idir daoine fostaithe trí shocrú a dhéanamh maidir le trédhearcacht i leith nithe a bhaineann le luach saothair agus, chun na críche sin agus chun críoch eile, do leasú na nAchtanna um Chomhionannas Fostaíochta, 1998 go 2021 agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Na Seanadóirí Caitriona Árdacha agus Oilibhéar  
Mac Conchra a thug isteach,

24 Eanáir, 2023

Remuneration Information and Pay  
Transparency Bill 2023

# BILL

(as initiated)

entitled

An Act to make further and better provision for equality between employed persons by providing for transparency in respect of matters relating to remuneration, and for that and other purposes to amend the Employment Equality Acts 1998 to 2021 and to provide for related matters.

Introduced by Senators Catherine Ardagh and Ollie  
Crowe,

24th January, 2023

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó

FOILSEACHÁIN RIALTAIS,  
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,  
BAILE ÁTHA CLIATH 8, D08 XAO6.

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