



New Gender Pay Reporting - Ireland

By **Niall Pelly** - 9 July 2021

The Gender Pay Gap Bill is about to be signed into law in Ireland. Once in force it will require employers to publish information about the gap in pay between male and female employees. Here are some key things you need to know.

Why?

The aim is that this will bring pay transparency and help reduce the significant gender pay disparity.

As of the 2017 statistics from the European Commission Statistics Office, which is the most recent year for which it has statistics available, Ireland's gender pay gap stood at 14.4% (slightly less than the 14.9% gender pay gap across the EU). Note that in the UK Gender Pay reporting has been a requirement since 2017.

When?

There is no firm date but the government indicated in its recent [press release](#) that reporting will begin in 2022 and expects to publish regulations soon after the bill is signed.

Who will it apply to?

For the first two years the regulations will only apply to employers with at least 250 employees, In the third year it will apply to those with at least 150 employees. Following this it will apply to employees with at least 50 employees.

What?

Employers will need to publish information about:

- the mean and median gap in **hourly** pay between male and female employees



- the mean and median gap in **bonus** pay between male and female employees
- the mean and median gap in hourly pay of **part-time** male and female employees
- Percentage of male and female employees who received **bonus pay**
- Percentage of male and female employees who received **benefits in kind**

They will also need to publish reasons for the differences and measures being taken to address them.

Much of the remaining detail will be set out in forthcoming regulations. For example, it is not yet clear what class of employee these requirements will relate to, how pay will be calculated or the form and manner that this information needs to be published or how frequently (other than this won't be required more often than once a year). The categories of information that employers must publish information about could be expanded to include pay data for male and female employees on temporary contracts.

Risks - the bill has bite

The Bill includes a provision that if the Irish Human Rights and Equality Commission reasonably believes the employer has failed to comply with its reporting duties it can apply to the Circuit Court or the High Court for an order compelling the employer to comply. Employees will also be able to complain to the Workplace Relations Commission which, if it upholds the complaint after an investigation, can order the employer to take action.

Next steps

Much of the detail is unclear pending the detailed regulations. Having said this current government plans to introduce this requirement next year (in 2022) so employers should start looking at data collection, the extent to which they believe they have gender pay gaps and steps to redress them and should keep a close eye on these developments. Note that given the data protection and disclosure risks employers should take advice before gathering this information.

This guide is for information only and is not legal advice. It reflects the position as at 9 July 2021. For any questions, please get in touch with niall.pelly@gqlittler.com or your normal GQ|Littler contact.