

Pensions, Income and Retirement: Human Rights and Equality Considerations

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**Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas**

Irish Human Rights and Equality Commission

Outline of presentation

- Irish Human Rights and Equality Commission
- Equality and human rights framework
- The Public Sector Duty
- Equality and Human rights concerns related to pension policy
- Pensions and gender inequality
- Recommendations



About the Commission



- Ireland's independent national human rights and equality body
- Established 1 November 2014
- 15 human rights and equality experts, appointed by President
- Accredited 'A' status by the United Nations



Equality and rights of older persons

- Constitution
- ECHR Act 2003
- UN Treaties

- Age-related discrimination prohibited by Equality Law - *Employment Equality Acts 1998 to 2015* and the *Equal Status Acts 2000-2015*

- Open-Ended Working Group on Ageing established by United Nations GA in 2010



Human dignity and the right to social security

The right to social security is of central importance in guaranteeing human dignity for all persons when they are faced with circumstances that deprive them of their capacity to fully realise their Covenant rights

UN Committee on Economic, Social and Cultural Rights (2004) *General comment No. 19 on the right to social security (art. 9)*



The Public Sector Duty

Section 42 of the Irish Human Rights and Equality Commission Act 2014

Public bodies

42. (1) A public body shall, in the performance of its functions, have regard to the need to—
- eliminate discrimination,
 - promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and
 - protect the human rights of its members, staff and the persons to whom it provides services.

The Public Sector Duty

Eliminating discrimination, promoting equality and protecting human rights



Comisión na hÉireann um Chosaint an Duine agus um Comhionannas
Irish Human Rights and Equality Commission

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Who Are our Public Bodies?

- Government Departments
- Local Authorities
- Health Service Executive
- Universities and Institutes of Technology
- Education and Training Boards
- Most schools
- Semi-state bodies
- All bodies financed with public money (even partially)



State Pension and right to an adequate standard of living

- Contributory State Pension is linked to PRSI contributions over a person's working life
- Method of calculation can have negative impact on individuals who have had career interruptions
- Commission concerned changes were imposed on those who were least able to take reductions



Pensions and Gender inequality

- Women over 65 are more likely to depend on the social security system as their primary source of income
- 19% Gap in pension coverage between men and women in Ireland
- 41% pension gap between men and women
- Unpaid care work of women be recognised through the provision of adequate social supports
- Homemaker's Scheme (1994)
 - **Currently:** 20 years out of the workforce post-1994 may be discounted from the pension assessment
 - **IHREC Recommendation:** Homemaker's Scheme should apply to those who took time out of workforce prior to 1994




Commission Recommendations

1. Unpaid care work of women be recognised through the provision of adequate social supports
2. Homemaker's Scheme be applied retrospectively by the State, in order to ensure equitable access to the contributory State pension
3. Department of Social Protection, in line with Public Sector Duty obligations, conduct a comprehensive assessment of the human rights and equality implications of social welfare law and policy



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The Irish Human Rights and Equality Commission is Ireland's national human rights and Equality institution. We are an independent public body that accounts directly to the Oireachtas.

Our purpose is to promote and protect human rights and equality in Ireland and build a culture of respect for human rights, equality and intercultural understanding in the State.



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