Joint Oireachtas Committee on Children and Equality: NDA Opening Statement 8 July 2025

The National Disability Authority (NDA) is a statutory agency established to provide evidence-informed advice and guidance to the government on disability policy and practice and to promote Universal Design. We thank the Committee for the invitation to join you this evening and to share our views on the General Scheme of the Equality (Miscellaneous Provisions) Bill 2024.

We welcome the publication of the General Scheme. An update to our equality laws is both necessary and timely, following Ireland’s ratification of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), and considering the forthcoming publication of the new National Human Rights Strategy for Disabled People.

There are many positive aspects contained within the Bill. In particular, the NDA welcomes the proposed removal of the provision within the Employment Equality Acts (EEA) allowing differential pay for disabled persons.[[1]](#footnote-1)

The Bill also proposes to improve reasonable accommodation provisions under the Equal Status Acts (ESA) by replacing the ‘nominal cost’ standard with the ‘disproportionate burden’ obligation for public and certain commercial bodies.

Adherence to the UNCRPD could be further strengthened by requiring consultation with the person making the request, explicitly recognising that denial of reasonable accommodation constitutes discrimination under the EEA and removing the ‘impossible or unduly difficult’ test in respect of the provision of reasonable accommodation under the ESA. We also await approval of the Code of Practice on Reasonable Accommodation.

The proposed expansion of the definition of ‘vocational training’ within the EEA is also positive, requiring training providers to deliver a higher standard of reasonable accommodation.[[2]](#footnote-2) Similarly, we welcome the proposal to allow complaints of intersectional discrimination in the provision of goods and services and recommend extending this to the employment sphere.

We note that the General Scheme does not propose to amend the current definition of disability. While we acknowledge that the definition has been interpreted broadly, we advise on the need to update some of the medicalised and outdated language contained therein. In addition, we regret that the draft legislation does not propose to narrow or remove some of the broad exemptions contained within the ESA, including those relating to insurance providers, public functions and actions required by legislation.

The General Scheme contains advances from a procedural perspective, in particular by returning jurisdiction for all claims of discrimination against licensed premises to the Workplace Relations Commission (WRC). However, we recommend additional measures, including an increase in the compensation limits for complaints of discrimination in access to employment[[3]](#footnote-3) and abolition of the mandatory notification requirement under the ESA.

Furthermore, we advise that the provision of civil legal aid for anti-discrimination claims is a key omission from the current draft legislation in view of the complex legal issues which frequently arise, the disadvantages encountered where only one party is legally represented and the expense of private legal representation for those facing the additional cost of a disability.

Finally, we encourage the Committee to consult with Disabled Persons’ Organisations and disabled people as part of the pre-legislative scrutiny process.

We thank you for your attention and would be happy to discuss any of the topics touched on in this statement in further detail.

ENDS

1. This measure is particularly encouraging in the context of recent reforms to the Wage Subsidy Scheme (for more details, see [here](https://www.gov.ie/en/department-of-social-protection/press-releases/taoiseach-miche%C3%A1l-martin-and-minister-dara-calleary-launch-reformed-wage-subsidy-scheme/)). [↑](#footnote-ref-1)
2. Research from the [Economic and Social Research Institute (ESRI) in Ireland](https://www.esri.ie/news/new-research-highlights-the-education-and-employment-disadvantages-experienced-by-people-with#:~:text=A%20new%20ESRI%20study%2C%20commissioned%20by%20the,how%20the%20situation%20has%20changed%20over%20time.&text=The%20Census%20data%20for%202016%20showed%20that,47%20per%20cent%20for%20people%20without%20disabilities.) has shown that people with disabilities are more likely to have lower levels of educational attainment compared to those without disabilities. [↑](#footnote-ref-2)
3. As part of a [2019 report](https://nda.ie/publications/reasonable-accommodations-obstacles-and-opportunities-to-the-employment-of-persons-with-a-disability), the NDA undertook review of 82 WRC decisions relating to reasonable accommodations, revealing a dearth of cases concerning access to employment. Low compensation thresholds may have played a role in that regard. [↑](#footnote-ref-3)