



EMPLOYMENT, PENSIONS AND BENEFITS GROUP - CLIENT UPDATE

Effects on Employers of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act, 2010

The Civil Partnership and Certain Rights and Obligations of Cohabitants Act, 2010 ('the Act') was signed in to law on 1st January 2011. The Act establishes a civil partnership registration scheme for same sex couples together with a range of rights, obligations and protections consequent on registration such as maintenance obligations, protection of a shared home, pension rights and succession.

Employers should be aware that civil partners must have the same status at work as another person. So for example, if there is a company policy stating that family members are entitled to VHI cover, this should be extended to civil partners. Furthermore, where there is some special payment or time off on the occasion of a marriage, this should be extended to civil partners.

Civil partners can apply for pension adjustment orders upon the dissolution of a civil partnership and therefore employers and their HR departments should be aware of this.

In the context of matters concerning ethics and conflicts of interest, Section 97 of the Act states that registered civil partners should be treated in a manner equivalent to spouses. This section also provides that references to any legislation in relation to a "connected person" or "connected relative" shall be construed as including persons registered as civil partners, or a child to whom that person is in loco parentis or who ordinarily resides with that person.

The Employment Equality Act 1988 (as amended) has been amended by substituting the term "civil status" in place of "married status", and including civil partnership with single, married, separated, divorced, widowed by adding "registered in a civil partnership within the meaning of the Civil Partnership Act or a party to a civil partnership which has been dissolved".

Employers should be aware of the above provisions and amend their Company policies and Handbooks accordingly.

For further information, please contact:

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