



AN BILLE TRAENALA TIONSCAIL, 1965
INDUSTRIAL TRAINING BILL, 1965

EXPLANATORY MEMORANDUM

1. The purpose of this Bill is to give effect to the Government's proposal, set out in the White Paper on Manpower Policy, to establish a new industrial training authority with wide powers to deal with all aspects of industrial training.

2. The Bill provides (section 8) for the establishment of a body (An Chomhairle Traenála) the duty of which will be to provide, and to promote the provision of, training for persons for any activity of industry (section 9 (1)). An "activity of industry" includes an activity of commerce or of a trade or occupation, but does not include agricultural or professional occupations (section 2 (1)).

3. Apprenticeship training is the only type of training mentioned specifically in the Bill (Chapter III Part III) but An Chomhairle will have power to deal with all other types of industrial and commercial training including:—

- adult retraining to skilled level by accelerated vocational training methods;
- operative training and retraining;
- training of unemployed and redundant workers who have the aptitude to acquire new skills;
- refresher training for workers whose skills need to be improved or brought up-to-date;
- training of agricultural workers for other occupations;
- advance training of workers for new industrial projects;
- training of instructors, supervisors, technicians etc.

4. An Chomhairle will operate under the general policy control of the Minister for Industry and Commerce, and will exercise its functions in the light of objectives determined by the National Manpower Agency.

5. The first schedule provides for the constitution of An Chomhairle, for its procedure and for allied matters. An Chomhairle will consist of a Chairman and six ordinary members who will be appointed by the Minister for Industry and Commerce. The Chairman may be appointed in a whole-time or part-time capacity. If he is whole-time, he will also act as Chief Officer. If he is part-time, the Minister will appoint a full-time Chief Officer (section 11 and Art. 7, first schedule). The remuneration, expenses and pension scheme (if any) for the Chairman will be determined by the Minister for Industry and Commerce with the consent of the Minister for Finance (section 10 and Art. 8, first schedule). The ordinary members will serve on a voluntary basis and will not be remunerated. They will be representative of workers, employers, educational and other interests.

6. An annual grant will be paid to An Chomhairle out of voted moneys towards the expenses incurred by it in the performance of its functions (section 16). An Chomhairle will be free to recruit whatever staff it requires, but remuneration, expenses and pension schemes for permanent staff will be subject to the consent of the Ministers for Industry and Commerce and Finance (sections 12

and 13). There are the usual provisions about the keeping and auditing of accounts and the submission of the audited accounts, and an annual report to each House of the Oireachtas (sections 14 and 15).

7. The functions of An Chomhairle are set out in section 9. In exercising its general function of providing, or promoting the provision of, training for persons for industrial and commercial activities, An Chomhairle may:—

- (a) provide or secure the provision of training courses and facilities;
- (b) approve training courses and facilities provided by other persons;
- (c) assist persons in finding facilities for being trained;
- (d) pay maintenance, travelling and other allowances to persons undergoing approved training;
- (e) undertake research in relation to industrial training;
- (f) set standards to be attained as a result of training, arrange tests to see that the standards have been attained, and award certificates for the attainment of the standards;
- (g) award prizes and scholarships and promote the sending of persons abroad in connection with training.

In addition, An Chomhairle has certain specific functions in relation to such matters as the making of grants, the raising of levies and apprenticeship which are dealt with in subsequent paragraphs.

8. It is provided in section 19 that where An Chomhairle has made an industrial training order (see paragraph 12 below) in respect of an industry, An Chomhairle may, after consultation with the appropriate industrial training committee (see paragraph 12 below), submit to the Minister for Industry and Commerce a draft order imposing a levy on employers in the industry. The Minister may confirm the order, with or without modification, and the order will be subject to revocation by either House of the Oireachtas. The purpose of such levies will be to ensure that, so far as is practicable, the cost of training in an industry is equitably shared amongst all employers in that industry. This will be achieved by making grants under section 17 to employers to offset the incidence of the levy in whole or in part. The amount of the grant in a particular case will depend on the amount and quality of the training provided. Some firms (e.g. firms with only a few employees) may be exempted from the levy order and there is provision for appeals by individual firms against the assessment of the levy to tribunals established especially for the purpose (section 20).

9. Apart from making grants to offset levies, An Chomhairle may, under section 17, make grants or loans to persons providing courses or other training facilities approved by An Chomhairle. An Chomhairle may, apart from operating training courses itself, arrange with other organisations to provide courses on its behalf and make grants towards the expenses arising. It may also make grants to employers who undertake the training of unemployed or redundant workers at its request.

It is proposed that, on a date or dates to be determined, An Chomhairle should take over the functions of An Foras Tionscal and the Shannon Free Airport Development Company Ltd. in relation to the making of grants for the training of workers in new industrial undertakings (section 18). This will involve the eventual repeal of certain powers in the Undeveloped Areas Act, 1952, the Industrial Grants (Amendment) Act, 1963 and the Shannon Free Airport Development Company Limited Act, 1959 (section 7 (2)).

10. Chapter III, Part III of the Bill deals with apprenticeship and transfers to An Chomhairle Traenála the functions assigned to An Cheard-Chomhairle and apprenticeship committees under the

Apprenticeship Act, 1959 which is being repealed (section 7 (1)). In effect, the new authority will have powers, similar to those contained in the 1959 Act, to regulate all aspects of the recruitment and training of apprentices. The orders, rules etc, made under the 1959 Act will be continued in force under section 46 until amended or revoked, and the apprenticeship committees established under the 1959 Act will operate, for the time being, as industrial training committees under section 22. The assets, liabilities and other obligations of An Cheard Chomhairle are transferred to the new authority by section 46.

11. One of the duties of An Chomhairle will be to ensure that a sufficient number of persons is taken into training to meet the likely future needs of the economy. For this purpose, An Chomhairle may make arrangements with an employer (a) to take a person into employment by way of apprenticeship (b) to take into employment a person who has successfully undergone training in a course provided or approved by An Chomhairle. It shall be an offence for any person to obstruct or prevent the carrying-out of such an arrangement, punishable on conviction by a fine not exceeding £1,000 with a maximum fine of £100 per day for continuing offences (sections 38 and 42).

12. In exercising its functions, An Chomhairle will normally proceed by bringing an industry (or an occupation which is common to a number of industries) under the scope of the Act by means of an industrial training order under section 21. It will then establish an industrial training committee under section 22 (or declare an existing organisation to be such a committee) to advise and assist in the dealing with the training problems of that industry. An industrial training committee will consist of a chairman with representatives of workers, employers, educational and other interests. The members of the Committees will serve in a voluntary capacity and will not be remunerated, but the Chairman may be paid fees for attendance at meetings. The provisions of section 22 and of the second schedule deal with the constitution, procedure etc. of such committees.

An Chomhairle will, however, be able to exercise all its functions (except those relating to levy orders and rules governing apprenticeship) without following the above procedure. In this way An Chomhairle will be empowered to take speedy action in the field of training when circumstances seem to warrant this course. It is, for instance, clearly desirable that An Chomhairle should be able to take quick and effective action where the effects of redundancy in an industry (which has not been brought within the scope of the Bill by order under section 21) could be mitigated by training or retraining arrangements. Again, it may be necessary for An Chomhairle, in the early stages of its operations, to institute pilot or experimental training and retraining arrangements in advance of bringing industries formally within the scope of the Bill.

13. Chapter IV, Part III of the Bill provides for the establishment of advisory committees and empowers An Chomhairle to charge fees for registering apprentices, and for providing training courses and other facilities. Part IV of the Bill contains, *inter alia*, provisions relating to the appointment and powers of authorised officers, prosecutions, penalties and other miscellaneous matters.

*An Roinn Tionscail agus Tráchtála,
Bealtaine, 1966*

