



**AN BILLE UM CHEADANNA FOSTAÍOCHTA (FORÁLACHA
ILGHNÉITHEACHA), 2021
EMPLOYMENT PERMITS (MISCELLANEOUS PROVISIONS)
BILL 2021**

EXPLANATORY MEMORANDUM

Purpose of the Bill

The Bill aims to provide an employer paid sick scheme for workers employed on general employment permits in the meat processing, dairy and horticulture sectors. Additionally, it addresses a number of other issues related to foreign nationals working in the state under general employment permits. These include granting greater rights in certain situations to change employer within the first year here, providing for the right to access the Workplace Relations Commission in some circumstances where the person involved may not have a valid work permit, and ensuring awards granted to persons without a valid permit are recoverable in the event of a insolvency and to provide for related matters.

Financial Implications

The Bill has no direct financial implications

Provisions of the Bill

The Bill has four sections.

Section 1 amends the Employment Permit Act of 2003 to grant a worker who does not have a valid work permit (but who has taken reasonable steps open to them to have one) access to the WRC adjudication process. This deals with a number of cases where migrant workers have successfully proven their employer has breached the law but have been refused compensation in civil and WRC proceedings because they didn't have a valid work permit

Section 2 amends the Employment permit act of 2006 to allow a migrant worker on a general employment permit the right to change employer within the first year of employment here. It states that where such a worker finds their employment poses a risk to their health, safety dignity or wellbeing they may apply to the Minister for a permit to work in a different or similar sector. It is hoped this measure will give workers who face abusive or exploitative work conditions greater power to change employment without facing the threat of losing their right to work here.

Section 3 ensures that any amount awarded to a migrant worker under the 2014 amendment to the Act will still be paid in the event of the employer becoming insolvent .

Section 4 amends Employment Regulations of 2017 to make it a stipulation that before granting a permit for certain sectors such as meat processing the employer concerned must have in place a sick pay scheme

for workers that will pay at least 70 per cent of their wages for a period from 4 weeks to six months depending on the illness and if it is an occupational or work related illness.

Brid Smith TD, Paul Murphy TD, Gino Kenny TD, Richard Boyd Barrett TD, Mick Barry TD

Aibreán, 2021.