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An Comhchoiste um Ghnó, Fiontair agus Nuálaíocht

An Ról atá ag Printíseachtaí agus Ceadanna Oibre ó thaobh Aghaidh a

Bealtaine 2019

Joint Committee on Business, Enterprise and Innovation

The Role of Apprenticeships and Work Permits in Addressing Ireland's Skills
Needs

May 2019

032 BEI 020



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An Comhchoiste um Ghnó, Fiontair agus
Nuálaíocht



Joint Committee on Business, Enterprise
and Innovation



Chair's Foreword



Mary Butler TD
Committee Chair
(FF)

Meeting our skills needs is vital for Ireland's future. As we approach full employment, it is important to ensure that we have the systems in place to meet our future skills needs.

As a committee we decided to examine apprenticeships and work permits in relation to Ireland's skills needs and delve into the issues that had arisen when we were discussing the Cost of Doing Business in Ireland.

Our apprenticeship system is not as well developed as in some other countries, and until recently was primarily focused on the

craft/construction sector. New apprenticeship systems, developed over the last number of years, have shown that apprenticeships can be extended to many more sectors. The involvement of industry groups ensures that the apprenticeships meet the needs of employers. Apprenticeships are also attractive for potential apprentices, as they give the opportunity to "earn and learn".

The Committee felt it was important to hear from apprentices that have been through and are going through the system to gain an insight into apprenticeships from the apprentice's point of view. This allowed us to hear first-hand their positive experiences of apprenticeship systems. Their input was invaluable; the Committee heard first hand from an apprentice that had successfully changed his career through an apprenticeship, and of a very positive experience of the apprenticeship system from a female apprentice – this is particularly important considering that female apprentices account for just 2% of all apprentices. On behalf of the committee, I would like to wish them well in their careers.

The Committee also considered work permits, which allow for a more immediate, short-term solution to skills needs. Traditionally, work permits were issued for highly skilled roles in areas such as IT and healthcare. However, more recently shortages have become evident in other areas, and work permits have been issued for professions such as meat processors, HGV drivers, and chefs.

The Committee also heard concerns of delays in the processing of work permits. While the Department has been able to reduce the processing time for applications, it is still above the target times. We hope that these targets will be met as soon as possible.

On behalf of the Committee, I would like to thank the witnesses from Ibec, ICTU, the Department of Business, Enterprise and Innovation, SOLAS and the Expert Group on Future Skills Needs for their contributions, and Enterprise Ireland, IDA Ireland and the Irish Corporate Immigration Users' Group for their submissions. I would also like to thank all the members of the Committee for their input and engagement. Finally, I would like to thank the staff of the Secretariat for the work involved in producing this report.



The Committee has made 24 observations and recommendations. The Committee believes that if the recommendations are implemented, it will improve the apprenticeship and work permit systems, and help address Ireland's skills needs.



Mary Butler T.D.

Chair

Joint Committee on Business, Enterprise and Innovation

15/05/2019



Introduction

As part of its 2018 Work Programme, the Joint Committee on Business, Enterprise and Innovation (the Committee) identified the future skills needs of enterprise as a topic of importance for the Irish economy.

There has been a significant reduction in unemployment over the last number of years. CSO figures show that in February 2019 the unemployment rate was 5.6%, down from 7.3% in February 2017¹. This has led to certain challenges in the labour market, particularly in terms of requirements for specific skill sets, and the availability of talent has been highlighted by the IDA as increasingly important in attracting high quality foreign direct investment (FDI).

In this context, the Committee decided to examine the extent to which apprenticeships and the issuing of work permits might be used to help address Ireland's skills needs.

Stakeholders

The Committee held two days of hearings in November 2018. The Committee also received a number of submissions from organisations before and after the meetings. Table 1 identifies the organisations that presented to the Committee.

Table 1: Schedule of Committee Engagements

13 November 2018	
ICTU	Dr Peter Rigney and Dr Laura Bambrick
Ibec	Mr Tony Donohue, Ms Una Fitzpatrick, Ms Sinead Keogh, Ms Claire McGee and Ms Siobhan Dean
27 November 2018	
Department of Business, Enterprise and Innovation	Ms Clare Dunne and Mr Rob Walsh
SOLAS	Ms Mary-Liz Trant and Mr Andrew Brownlee
Expert Group on Future Skills Needs	Mr Tony Donohue and Mr Kevin Daly
Apprentices	Ms Laura Regan and Mr Paddy Power

Submissions were also received from IDA Ireland, Enterprise Ireland, Ibec and the Irish Corporate Immigration Users' Group. The transcripts of the meetings of [13 November](#)² and [27 November](#)³ are available online. The opening statements and submissions are also available [online](#)⁴.

¹ <https://www.cso.ie/en/releasesandpublications/er/mue/monthlyunemploymentfebruary2019/>

² Joint Committee on Business, Enterprise and Innovation (13 November 2018). Available at: https://www.oireachtas.ie/en/debates/debate/joint_committee_on_business_enterprise_and_innovation/2018-11-13/

³ Joint Committee on Business, Enterprise and Innovation (27 November 2018). Available at: https://www.oireachtas.ie/en/debates/debate/joint_committee_on_business_enterprise_and_innovation/2018-11-27/

⁴ Submissions and presentations. Available at: <https://www.oireachtas.ie/en/committees/32/business-enterprise-innovation/documents/>



Labour Shortages vs Skills Shortages

It is important to differentiate between labour shortages and skills shortages. At a basic level, labour shortages are a result of insufficient supply of workers across the economy, while skills shortages refer to the lack of supply of workers with a specific skill set. It is an important distinction as they require different policy responses, and this is reflected in the Department of Business, Enterprise and Innovation's recent report entitled [Future Jobs Ireland 2019](#).

According to Ibec, the significant reduction in the unemployment rate in Ireland has led to skills and labour shortages. However, ICTU stated to the Committee that "there may be skills shortages in selected areas, but we are a long way from labour shortages"⁵.

In terms of skills shortages, the SOLAS [National Skills Bulletin 2018](#) highlights that while there are skills shortages in a number of occupations across all sectors of the economy, many of these are small in magnitude and in niche areas. It highlights shortages in the science and engineering professions, particularly for positions requiring experience. There are also particular shortages in the IT sector, though this is a global issue.

The bulletin also draws attention to shortages in a number of professions requiring language skills across sectors including IT, marketing and customer service. Shortages of meat deboners, chefs, HGV drivers and crane and forklift drivers were also identified.

Other factors may be involved where there are difficulties filling vacancies, such as geographical mobility or high turnover rates. ICTU stated that the level of pay offered is also an issue in recruitment, and highlighted that "people want careers not jobs"⁶, and will initially accept lower pay while learning the job but will not stay in jobs with low pay and low prospects.

Apprenticeships and Work Permits

The Committee identified apprenticeships and work permits as important interventions required to address the Irish economy's skills needs. ICTU stated that they are linked by "how skills are formed in an economy and whether we make them or buy them in".⁷

Apprenticeships are a long-term process which can provide the skills necessary in the economy in to the future by creating those skills. Apprenticeships in Ireland were traditionally in the craft and construction sectors and have only recently begun expanding in to various other sectors.

Work permits meet a short to medium term need, by bringing in the required skills from outside the European Economic Area (EEA). The Department of Business, Enterprise and Innovation stated that work permits are not intended as a long term "substitute for meeting the challenge of upskilling our

⁵ Joint Committee on Business, Enterprise and Innovation (13 November 2018). Available at: https://www.oireachtas.ie/en/debates/debate/joint_committee_on_business_enterprise_and_innovation/2018-11-13/, p3

⁶ Joint Committee on Business, Enterprise and Innovation (13 November 2018). Available at: https://www.oireachtas.ie/en/debates/debate/joint_committee_on_business_enterprise_and_innovation/2018-11-13/, p2

⁷ Joint Committee on Business, Enterprise and Innovation (13 November 2018). Available at: https://www.oireachtas.ie/en/debates/debate/joint_committee_on_business_enterprise_and_innovation/2018-11-13/, p2



resident workforce”, and that “economic migration alone is not a long-term solution to skills and labour shortages”.⁸

Summary of Observations and Recommendations

Apprenticeships

1. The Committee recommends that - in light of the concerns raised by stakeholders, and the evolution of the business environment since the enactment of relevant legislation - the legislation regarding apprenticeships be reviewed and updated where necessary.
2. The Committee further recommends that any changes to the legislation must not reduce the protections for the apprentice.
3. The Committee welcomes the SOLAS action to have pre-apprenticeship courses around the country.
4. The Committee recommends that - in order to help address deficits in Ireland’s skills needs - the necessary funding be made available for pre-apprenticeship courses throughout Ireland.
5. The Committee believes there should be pathways to continue education, to level 8 and above, following the completion of an apprenticeship.
6. The Committee recommends that the Department of Business, Enterprise and Innovation, the Department of Education and industry liaise to explore opportunities for further educational and professional pathways for apprentices post apprenticeship.
7. The Committee notes that post-2016 apprenticeship programmes do not receive the same level of financial support from the State for off-site training as the pre-2016 apprenticeship programmes.
8. The Committee notes that block release apprenticeships can be particularly problematic for SMEs.
9. The Committee recommends that the Government examine avenues to reduce the financial burden on employers taking on apprentices, particularly SMEs.
10. The Committee notes that it is important that apprenticeships are seen as an equally viable option to third level education for school leavers.
11. The Committee recommends that there be a much greater emphasis in the education system on the increased range of apprenticeships available, particularly with regard to young women, people with disabilities, the travelling community and other groups that are under represented in apprenticeships.
12. The Committee recommends that statistics relating to the uptake of apprenticeships within the travelling community be collected by the Department of Education and Skills.

Work Permits

13. The Committee notes and agrees that work permits are not and should not be a long-term solution to addressing labour or skills shortages.
14. The Committee strongly agrees that work permits should not be used as a mechanism to depress wages.
15. The Committee recommends that the Department of Business, Enterprise and Innovation examine whether there is a role for the Low Pay Commission or the Labour Relations Court - similar to its role in Sectoral Employment Orders - in the setting of wage levels for work permits.

⁸ Joint Committee on Business, Enterprise and Innovation (27 November 2018). Available at: https://www.oireachtas.ie/en/debates/debate/joint_committee_on_business_enterprise_and_innovation/2018-11-27/p5



- 16.** The Committee recommends that the Department of Business, Enterprise and Innovation ensures sufficient resources are allocated to the WRC to allow it proactively undertake inspections to ensure obligations under work permits are adhered to. The Committee also recommends that these inspections be carried out without the need for a prior complaint to be made.
- 17.** The Committee welcomes the changes to the work permit regime for spouses/partners of critical skills permit holders.
- 18.** The Committee welcomes that the Department of Business, Enterprise and Innovation, and the Department of Justice and Equality are working closely together.
- 19.** The Committee recommends that, in considering visa applications, the Department of Justice and Equality ensures it holds the passport of a work permit holder for the shortest possible duration.
- 20.** The Committee believes the issue of permits being tied to an employer can be particularly problematic for lower skilled, lower paid jobs.
- 21.** The Committee recommends that work permits should not be tied to an individual employer.
- 22.** The Committee recommends that the Department of Business, Enterprise and Innovation consider specifying the changes to a work permit that require notification, and those that require a new permit.
- 23.** The Committee welcomes the reduction in waiting periods for trusted partners but is concerned that the standard time remains high.
- 24.** The Committee Recommends that additional resources be made available to process work permit applications and that processes are in place to meet unexpected spikes in demand in the future.



Apprenticeships

Apprenticeships are an important component in the provision of skills for the Irish economy.

It is often stated that Ireland is behind other countries, such as Germany and the UK, when it comes to the apprenticeship system. However, Ibec take the view that while Ireland can learn from other countries' approach, it cannot simply import apprenticeships systems that have been built over generations from other countries. Different countries also have different economies, labour markets, and social partnership agreements.

It is important that Ireland has an apprenticeship system that meets the needs of the Irish economy. The IDA stated in its submission to the Committee that apprenticeships are a valuable source of skilled labour for multinationals, and that new apprenticeships are actively being taken up by IDA client companies.

Enterprise Ireland is also very supportive of the new apprenticeships, and has actively supported consortia to develop new programmes, including the Original Equipment Manufacturing apprenticeship, which is primarily made up of Enterprise Ireland mid-tier manufacturing client companies.

The Committee heard from Ms Regan, who recently completed an apprenticeship with ESB and Mr Power, who was in the process of completing a tax apprenticeship, on their experiences of the apprenticeship system.

Apprenticeship Programmes

There has been a significant increase in the number of apprenticeship programmes over the last number of years. As of March 2019, there are 45 national apprenticeship programmes (compared to 27 in 2016), with another 36 at various stages of development.⁹ Apprenticeship programmes are now spread across 10 sectors.

The pre-2016 apprenticeships were in, construction, motor, printing and paper, engineering and electrical industries. The apprenticeships that have been developed since 2016, include accounting, ICT, insurance, financial services, property services, biopharma, logistics, and hospitality and food.

Apprenticeships programmes are also spread across the FETAC qualification levels, with a number of programmes leading to a level 7 or 8 qualification. Some of the proposed apprentice programmes under development will lead to level 9 and 10 qualifications (Masters and Doctoral degrees respectively).

The new apprenticeship programmes have been created in conjunction with consortia of industry bodies. Representatives from Ibec gave examples to the Committee of some of the apprenticeships they have been involved in over the past number of years.

Ibec outlined how three apprenticeships – manufacturing technician, manufacturing engineer and polymer technology – were launched in 2017. The apprentices have primarily been recruited from

⁹ This is an increase on the figures provided during the Committee's hearings, where it was stated that there were 42 national apprenticeship programmes and 35 in development.



within the industry (70%) to upskill, with 30% of the apprentices being new hires. Ibec explained that the proportion of new hires is expected to increase in future years as the industry upskills.

The legislation surrounding apprenticeships was raised as an issue by Ibec, who highlighted that the legislation is 40 years old. Ibec outlined, in particular, problems with the approval of companies and the designation of sectors. The number of steps involved in the process was also raised as a concern. However, Ibec did state that, in terms of the contract of apprenticeship and the protections of apprentices, the legislation is fit for purpose.

In an additional submission to the Committee, Ibec recommended that the [Industrial Training Act 1967](#) be amended to reflect changes in the business environment and facilitate the streamlining of the new apprenticeship development process. In particular, Ibec is calling for the assessment of the capacity of employers to be registered to take on apprentices be carried out by the consortia behind the apprenticeship rather than by SOLAS, as is currently the case.

Recommendations

1. The Committee recommends that - in light of the concerns raised by stakeholders, and the evolution of the business environment since the enactment of relevant legislation - the legislation regarding apprenticeships be reviewed and updated where necessary.
2. The Committee further recommends that any changes to the legislation must not reduce the protections for the apprentice.

Ibec spoke about a pilot pre-apprenticeship programme under way with DIT. The programme aims to give young people (16-24) the necessary skills, confidence, and connections to progress on to an apprenticeship, by providing training and hands-on experience. The pilot programme was philanthropically funded as it does not receive significant State funding.

In its additional submission, Ibec welcomed SOLAS's [Review of Pathways and Participations in Apprenticeships](#) which sets a target of 500 places on pre-apprenticeship courses by the third quarter of 2019. Action 3 of the review will create new pathways via pre-apprenticeship courses around the country.

Observations

3. The Committee welcomes the SOLAS action to have pre-apprenticeship courses around the country.

Recommendations

4. The Committee recommends that - in order to help address deficits in Ireland's skills needs - the necessary funding be made available for pre-apprenticeship courses throughout Ireland.

The Committee also heard of the importance of career progression for apprentices, especially in the craft sector, as some of the professions will be more difficult to continue as they get older (e.g. block laying). ICTU noted that the Industrial Electrical Engineering apprenticeship run at the Limerick Institute of Technology is open to qualified electricians to upskill into engineering roles.



Observations

5. The Committee believes there should be pathways to continue education, to level 8 and above, following the completion of an apprenticeship.

Recommendations

6. The Committee recommends that the Department of Business, Enterprise and Innovation, the Department of Education and industry liaise to explore opportunities for further educational and professional pathways for apprentices post apprenticeship.

Financing of Apprenticeships

One of the most attractive aspects of apprenticeships is the ‘earn as you learn’ component. However, as was highlighted to the Committee by representatives from Ibec, provision of State funding for the ‘off-the-job training’ element of apprenticeships has changed. For pre-2016 apprenticeship programmes, the State pays the apprentice during their ‘off-the-job training’ periods. However, for post-2016 apprenticeship programmes, the employer continues to pay the apprentice when they are on ‘off-the-job training’.

According to Ibec, the cost to the employer has been a challenge for new apprenticeships. For example, an apprenticeship with a salary of €24,000 and a 15-week block of ‘off-the-job training’ leads to a cost of €7,500 for the employer while the apprentice is on their training block. Ibec stated that this is a greater problem for apprenticeships that include a block release component, compared to those that involve one day a week of off-site training. SOLAS informed the Committee that it had been told by employers that they struggle to backfill the positions, and to pay the salary when the apprentices are on block release, which is not an issue when training blocks are one day a week. Ibec highlighted the fact that managing the issues created by block release training is particularly difficult for SMEs.

Observations

7. The Committee notes that post-2016 apprenticeship programmes do not receive the same level of financial support from the State for off-site training as the pre-2016 apprenticeship programmes.
8. The Committee notes that block release apprenticeships can be particularly problematic for SMEs.

Recommendations

9. The Committee recommends that the Government examine avenues to reduce the financial burden on employers taking on apprentices, particularly SMEs.

Promotion of Apprenticeships

The Committee heard from a number of stakeholders about the importance of apprenticeships being seen as viable alternatives for both apprentices and employers, and the need to attract apprentices and businesses to take part in the apprenticeship process. Concerns were also expressed that



apprenticeships are not usually held in the same regard, in terms of educational achievement, as CAO points and third-level education.

SOLAS highlighted that a significant challenge is getting employers to come on board, in particular in relation to new apprenticeships, where there are a large number of applications from potential apprentices but not enough employers available to take them on. SOLAS stated that it is working to support all consortia to help promote their apprenticeships, and to engage with employers.

The Committee heard that an online portal is to be trialled, where employers will be able to advertise apprenticeships on one website: apprenticeshipjobs.ie. Ibec stated that this is an important step, as it will increase the visibility for potential apprentices, and allow guidance counsellors to easily access all necessary information, and to present the full range of opportunities available.

Ms Regan, one of the apprentices who addressed the Committee, highlighted that some families may have concerns about apprenticeships as they do not understand the benefits. Ms Regan called for better communication with parents and guidance counsellors to highlight the advantages of apprenticeships.

Apprenticeships should be seen as an equally viable option along side third level education for school leavers. ICTU also made the point that in order for the system to work, the opportunities and benefits must be effectively marketed when secondary students are deciding on the career they wish to embark on. The value of apprenticeships for apprentices in terms of earnings, not only during the apprenticeship (similar to the graduate premium) should be further promoted according to SOLAS.

Observations

- 10.** The Committee notes that it is important that apprenticeships are seen as an equally viable option to third level education for school leavers.

Concerns were also raised by the Committee surrounding the low number of female apprentices. SOLAS stated that it is working to increase the visibility of apprenticeship opportunities to women and other under represented groups. Ms Regan highlighted that many young women in particular do not get exposure to practical subjects in school. As a result, they are unsure of the skills necessary to undertake a craft apprenticeship.

Recommendations

- 11.** The Committee recommends that there be a much greater emphasis in the education system on the increased range of apprenticeships available, particularly with regard to young women, people with disabilities, the travelling community and other groups that are under-represented in apprenticeships.
- 12.** The Committee recommends that statistics relating to the uptake of apprenticeships within the travelling community be collected by the Department of Education and Skills.

Mr Power and Ms Regan outlined how they have been involved in promoting apprenticeships, including appearing on TV, ads in magazines and talking to prospective apprentices. This has allowed them to share their positive experiences of the apprenticeship system with potential apprentices.



Work Permit System

Ireland operates a managed work permit system that is vacancy led based on the needs of the labour market. Officials from the Department explained that the work permit system is managed by a list system. The Department maintains two lists; the highly skilled occupation list (for skills that are in high demand), and the ineligible occupation list (for occupations where there is a ready source of labour). Adjustments to these lists are made twice a year based on any developments in the labour market.

Officials were clear that work permits are not a long-term solution to addressing Ireland's labour and skills shortages, or to the upskilling of the workforce within Ireland. The Department of Business, Enterprise and Innovation's preference is for employers to source their labour and skills within Ireland and the EU. Employers must attempt to fill their vacancies locally before requesting work permits to be made available. The Department of Employment Affairs and Social Protection assure the Department of Business, Enterprise and Innovation that employers are making these efforts.

Observations

13. The Committee notes and agrees that work permits are not and should not be a long-term solution to addressing labour or skills shortages.

Over the past number of years, Ireland's economic migration policy has centred on highly skilled workers to fill skills shortages. Ibec highlighted that the IT and health and welfare sectors account for most of the new permits issued (around 75% in 2017). However, some sectors are now experiencing issues in certain lower skilled roles. A number of work permits have been issued for skill sets including meat deboners, meat processors, certain types of chefs, and HGV drivers.

These permits include a minimum salary for the non-EEA employee. Some concerns were raised during the Committee meetings that work permits could be used in an attempt to reduce wage levels in a sector. Officials from the Department stated that it is not in the business of setting wages across the economy, and "do not want to preside over a system that is driving wages down"¹⁰. They also highlighted the fact that some of the sectors involved had sought lower minimum salaries than those set by the Department for the work permit.

Observations

14. The Committee strongly agrees that work permits should not be used as a mechanism to depress wages.

ICTU stated that there needs to be clarity in the setting of these wages, which is currently a function of the Department. To achieve this, ICTU suggested that there should be a role for the Labour Court or the Low Pay Commission in the setting of wage rates for work permits.

Pursuant to the [Industrial Relations \(Amendment\) Act 2015](#), the Labour Court has the ability to recommend to the Minister Sectoral Employment Orders (following a request from employer and/or employee groups) for a particular economic sector, which establish minimum rates of pay, sick leave

¹⁰ Joint Committee on Business, Enterprise and Innovation (27 November 2018). Available at: https://www.oireachtas.ie/en/debates/debate/joint_committee_on_business_enterprise_and_innovation/2018-11-27/ p19



provisions and pension provisions in that sector. If the Labour Court makes a recommendation, it is binding in that sector.

Recommendations

15. The Committee recommends that the Department of Business, Enterprise and Innovation examine whether there is a role for the Low Pay Commission or the Labour Relations Court - similar to its role in Sectoral Employment Orders - in the setting of wage levels for work permits.

Some of the work permits also include obligations for the employer to provide accommodation and English classes. However, some concerns were raised around how these obligations are monitored. The Department stated that the WRC has inspected sites that have work permits under the meat-processing pilot scheme.

Recommendations

16. The Committee recommends that the Department of Business, Enterprise and Innovation ensures sufficient resources are allocated to the WRC to allow it proactively undertake inspections to ensure obligations under work permits are adhered to. The Committee also recommends that these inspections be carried out without the need for a prior complaint to be made.

The Committee heard of concerns related to the spouses/partners of critical skills permit holders. While the spouses are allowed work, it was stated on their stamp 3 visa that they were not allowed to do so. Once they were offered a job they could then apply for a change of visa status. Ms Dunne stated that this was causing confusion for potential employers. The Government announced in March 2019¹¹ that changes were being made to this process. Spouses and partners will now be able to work immediately on the same conditions as a Stamp 1 visa and will not have to apply for a change of status.

Observations

17. The Committee welcomes the changes to the work permit regime for spouses/partners of critical skills permit holders.

The Committee also heard concerns about re-entry visa applications. In an additional submission to the Committee, Ibec outlines that re-entry visa applications must now be made by registered post with the physical passport. This process is expected to take five or six weeks, compared to two weeks previously. As a result, permit holders are not able to travel, for personal or professional reasons, over this period. The Department stated that it only requires copies of the passport. However, the Department accepted that the Department of Justice and Equality do require the physical passport. Officials assured the Committee that the two Departments work closely together, while accepting the need for greater synergies between the employment permit and visa systems.

Observations

18. The Committee welcomes that the Department of Business, Enterprise and Innovation, and the Department of Justice and Equality are working closely together.

¹¹ <https://dbei.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/Latest-updates/> 6 March 2019



Recommendations

19. The Committee recommends that, in considering visa applications, the Department of Justice and Equality ensures it holds the passport of a work permit holder for the shortest possible duration.

The Committee is also keen to ensure that issues that arose in relation to the Atypical Worker Scheme are not repeated; in particular, that work permits are easily dissociable from the employer.

Observations

20. The Committee believes the issue of permits being tied to an employer can be particularly problematic for lower skilled, lower paid jobs.

Recommendations

21. The Committee recommends that work permits should not be tied to an individual employer.

The Irish Corporate Immigration Users' Group raised the issue of amendments to permits, stating that there is no clear policy surrounding what can be simply notified and what requires a new permit. The group proposes that for certain amendments to a work permit (such as change in work location or job title), it should be possible to notify the Department without the need to get a new permit.

Recommendations

22. The Committee recommends that the Department of Business, Enterprise and Innovation consider specifying the changes to a work permit that require notification, and those that require a new permit.

Processing Delays

A number of concerns were raised with the Committee surrounding delays in the processing of work permits. Ibec stated that until early 2018, while the system was somewhat bureaucratic, it had been working well. A trusted partner¹² was assured of having an answer to their application within two weeks, after which they went on to apply for a visa which can take up to nine weeks. As a result, it took 10 to 11 weeks in the best-case scenario.

However, according to Ibec, over 2018 the processing time for work permits lengthened, with some companies reporting delays of up to 12 weeks for trusted partners. In a submission to the Committee, the Irish Corporate Immigration Users' Group¹³ also raised the increase in the processing time and highlighted that this has had a significant impact on businesses. Ibec also stated that companies had been negatively impacted and gave the example of a Cork company who moved 200 jobs to Prague because they could not hire one key figure.

¹² Frequent users of the work permit system can apply for the trusted partner initiative, which allows for a streamlined application process, including a shorter waiting time.

¹³ The submission was prepared by representatives of Deloitte, EY, Fragomen Ireland Ltd, KPMG, Mason Hayes & Curran, Matheson, Philip Lee, PwC, Eugene F Collins and Whitney Moore Solicitors.



The Department advised the Committee that delays were due to the increased demand compared to previous years; 2018 had seen an almost 30% increase in applications, and more permits had been issued in October 2018 than in any other month over the previous ten years. The introduction of permits for additional roles has also increased demand.

The Department's response to the delays was outlined by officials. Staff within the unit were redeployed and additional staff were secured across the Department. Previously, increases in demand have been covered with overtime – however, the current increases do not appear to be temporary. Officials stated that the Department is aiming to return to the target processing time of two weeks for trusted partners and four weeks for standard.

According to the Department's website, as of 1 May 2019, applications from trusted partners made on 8 April are being processed, just over three weeks processing time, while standard applications are taking 11 weeks.

Observations

23. The Committee welcomes the reduction in waiting periods for trusted partners but is concerned that the standard time remains high.

Recommendations

24. The Committee Recommends that additional resources be made available to process work permit applications and that processes are in place to meet unexpected spikes in demand in the future.

The Irish Corporate Immigration Users' Group made a number of recommendations to improve the provision of work permits. The group proposes a premium processing service that would allow priority processing for an additional fee to cover the extra resources deployed.



Appendices

Appendix1: Committee Membership

Chairperson: Mary Butler (FF)

Deputies: Lisa Chambers (FF)

Billy Kelleher (FF)

James Lawless (FF)

Tom Neville (FG)

Maurice Quinlivan (SF)

Noel Rock (FG)

Senators: Aidan Davitt (FF)

Pádraig Mac Lochlainn (SF)

Kevin Humphreys (LAB)

James Reilly (FG)

Notes:

1. Deputies appointed to the Committee by order of the Dáil on 16 June 2016.
2. Deputy Mary Butler was appointed as Chair on 16 June 2016.
3. Senators appointed to the Committee by order of the Seanad on 21 July 2016.
4. Deputy Gino Kenny replaced Deputy Bríd Smith on 26 October 2017.
5. Senator Kevin Humphreys replaced Senator Ged Nash on 16 November 2017.
6. Deputy James Lawless replaced Deputy Gino Kenny on the 20 February 2018
7. Deputy Billy Kelleher replaced Deputy Niall Collins on the 17 April 2018
8. Deputy Lisa Chambers replaced Deputy Stephen Donnelly on 17 April 2018
9. Deputy Tom Neville elected as Vice Chair on 24 April 2018.
10. Senator Pádraig Mac Lochlainn replaced Senator Paul Gavan on 9 October 2018.



Appendix 2: Terms of Reference

a. Functions of the Committee – derived from Standing Orders [DSO 84A; SSO 71]

- (1) The Select Committee shall consider and report to the Dáil on—
 - (a) such aspects of the expenditure, administration and policy of a Government Department or Departments and associated public bodies as the Committee may select, and
 - (b) European Union matters within the remit of the relevant Department or Departments.
- (2) The Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann for the purposes of the functions set out in this Standing Order, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.
- (3) Without prejudice to the generality of paragraph (1), the Select Committee appointed pursuant to this Standing Order shall consider, in respect of the relevant Department or Departments, such—
 - (a) Bills,
 - (b) proposals contained in any motion, including any motion within the meaning of Standing Order 187,
 - (c) Estimates for Public Services, and
 - (d) other mattersas shall be referred to the Select Committee by the Dáil, and
 - (e) Annual Output Statements including performance, efficiency and effectiveness in the use of public monies, and
 - (f) such Value for Money and Policy Reviews as the Select Committee may select.
- (4) The Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies:
 - (a) matters of policy and governance for which the Minister is officially responsible,
 - (b) public affairs administered by the Department,



- (c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,
 - (d) Government policy and governance in respect of bodies under the aegis of the Department,
 - (e) policy and governance issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,
 - (f) the general scheme or draft heads of any Bill,
 - (ag) scrutiny of private members' Bills in accordance with Standing Order 148B, or detailed scrutiny of private members' Bills in accordance with Standing Order 141,
 - (g) any post-enactment report laid before either House or both Houses by a member of the Government or Minister of State on any Bill enacted by the Houses of the Oireachtas,
 - (h) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,
 - (i) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,
 - (j) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in subparagraphs (d) and (e) and the overall performance and operational results, statements of strategy and corporate plans of such bodies, and
 - (k) such other matters as may be referred to it by the Dáil from time to time.
- (5) Without prejudice to the generality of paragraph (1), the Joint Committee appointed pursuant to this Standing Order shall consider, in respect of the relevant Department or Departments—
- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 114, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any EU institution in relation to EU policy matters, and



- (d) matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers and the outcome of such meetings.
- (6) Where a Select Committee appointed pursuant to this Standing Order has been joined with a Select Committee appointed by Seanad Éireann, the Chairman of the Dáil Select Committee shall also be the Chairman of the Joint Committee.
- (7) The following may attend meetings of the Select or Joint Committee appointed pursuant to this Standing Order, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments:
- (a) Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,
 - (b) Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (c) at the invitation of the Committee, other Members of the European Parliament.
- (8) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department or Departments, consider—
- (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
 - (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select.



b. Scope and Context of Activities of Committees (as derived from Standing Orders) [DSO 84; SSO 70]

- (1) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders; and
- (2) Such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil and/or Seanad.
- (3) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Standing Order 186 and/or the Comptroller and Auditor General (Amendment) Act 1993; and
- (4) any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Orders [DSO 111A and SSO 104A].
- (5) The Joint Committee shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (a) a member of the Government or a Minister of State, or
 - (b) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Chairman may appeal any such request made to the Ceann Comhairle / Cathaoirleach whose decision shall be final.

- (6) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice given by the Chairman of the Select Committee, waives this instruction on motion made by the Taoiseach pursuant to Dáil Standing Order 28. The Chairmen of Select Committees shall have responsibility for compliance with this instruction.