



Tithe an  
Oireachtais  
Houses of the  
Oireachtas

**An Comhchoiste um Fhiontar, Trádáil agus Fostaíocht**

Clár Oibre 2023

Márta, 2023

**Joint Committee on Enterprise, Trade and Employment**

Work Programme 2023

March, 2023



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## 1. INTRODUCTION

The Joint Committee on Enterprise, Trade and Employment was established by Order of Dáil Éireann on 30 July 2020, and of Seanad Éireann on 18 September 2020. Standing Orders 100(4) Dáil Éireann and Seanad Éireann 77(4) require that *“as soon as may be following its appointment and thereafter at annual intervals, each Committee shall prepare a work programme and shall lay such programme before Dáil Éireann and Seanad Éireann”*.

## 2. SELECT COMMITTEE

The Dáil Select Committee was established by Order of Dáil Éireann on 30 July 2020, to consider Bills, Estimates for Public Services, Motions and any other business which relates to the Department of Enterprise, Trade and Employment. The Select Committee may also consider Annual Output Statements, Value for Money Reviews, and Policy Reviews prepared by the Department.

### A. Legislation [See 3 (c) also]

The Select Committee will consider any Bills referred to it by Dáil Éireann relevant to the Department of Enterprise, Trade and Employment during the period covered by this Work Programme. The Government Legislative Programme indicates that two Bills are priority legislation for publication in Spring 2023.

- Control of Exports Bill
- Representative Actions for the Protection of the Collective Interests of Consumers Bill

## B. Estimates and other Financial Matters

The Estimates for Public Services are Ministers' spending plans for the coming financial year. When the Estimates are referred to Select Committees for examination, the Committee has a valuable opportunity to question the relevant Minister about proposed spending. *Note: The Select Committee is required to consider the Estimates but are not empowered to amend them.*

The Estimate with which the Select Committees must deal in 2023 is the Revised Estimates for Public Services - VOTE 32 - Enterprise, Trade and Employment.

A Supplementary Estimate may be considered in December if additional monies are required by the relevant Government Department.

It is the Committee's intention to focus on –

- what the Department has committed to achieving,
- how monies are allocated between services, and
- exploring the policy issues underpinning the various spending provisions as well as to consider these matters as fully as possible.

The proposed approach presents Departmental Estimates on a Strategic Programme basis consistent with the Statements of Strategy. These Estimates have been supplemented with certain performance information regarding the outputs and impacts of Programme expenditure.

In keeping with a whole of year approach, it is the Committee's intention to have an exchange of views with the Minister for Enterprise, Trade and Employment in advance of Budget 2024 on the emerging position on areas within the Committee's remit for that financial year.

In addition, the Committee shall conduct an examination of Value for Money (VFM) Reviews, if and when they arise, as another important part of scrutinising Government expenditure.

## C. Referrals of Motions and Other Matters

From time to time, matters may arise and may be referred to the Select Committee by Dáil Éireann. It is not possible to say in advance what those matters might be or when they might arise.

## 3. JOINT COMMITTEE

The duties of the Joint Committee are discharged in two ways:

1. there will be items of business referred to it by one or both Houses, and
2. it can select business for consideration from the areas within its terms of reference.

In practice, the Joint Committee's core work will comprise the examination of EU business, key policy and governance priorities, and legislative scrutiny.

The Work Programme of the Joint Committee is not an exhaustive statement of the matters which the Committee will consider during 2023. The work which is listed, is what the Joint Committee considers at this point will require its attention during the year. The Committee will review its priorities on a continuous basis in response to events.

The Joint Committee notes that it has explicit responsibility under Standing Orders for considering a wide range of matters under the Department of Enterprise, Trade and Employment and in respect of bodies under the aegis of the Department.

## A. EU business

### Scrutiny of EU Legislative Proposals

The scrutiny of draft EU legislative proposals will continue to be a standing agenda item of the Joint Committee. Draft proposals will be brought to the attention of the Joint Committee - in line with the 2013 mainstreaming model as agreed by the Working Group of Committee Chairs (WGCC) - by setting out priority (Schedule A)

and non-priority (Schedule B) items. The Joint Committee will consider all proposals as they arise during the period covered by this Work Programme.

### **Engagement with Ministers**

The Joint Committee will engage with the Minister(s) in the Department of Enterprise, Trade and Employment, as appropriate, in advance of their attendance at meetings of the Council of the European Union in their respective policy areas, and it is intended that the Joint Committee will engage with the Minister for Enterprise, Trade and Employment (or relevant Minister of State) in advance of and following his attendance at Council meetings.

Engagement with the Minister provides the Joint Committee with a valuable opportunity to influence the Irish position on EU legislation, prior to negotiation at Ministerial Council and is therefore an essential element of Parliamentary scrutiny of draft EU legislation and policy initiatives.

### **Engagement on the Statutory Departmental EU Scrutiny Report**

There is a requirement under Section 2(5) of the European Union (Scrutiny) Act 2002 for Ministers to report twice yearly to both Houses on the measures, proposed measures and other developments in relation to the European Communities and the European Union in relation to which he performs functions. The Joint Committee intends to consider these reports with the Secretary-General of the Department.

### **Engagement with European Bodies**

The Committee will continue to further its engagement with European bodies such as the EU Commission, the EU Parliament, and its Committees during 2023, including delegation visits where appropriate.

## **B. Key policy priorities**

In accordance with its Orders of Reference, the Joint Committee is empowered to examine policy issues falling within the remit of the Minister for Enterprise, Trade and Employment. In the period January to December 2023 in addition to core business such as legislation etc., it is open to the Committee to prioritise certain matters of policy, and to report on them to the Houses.

The following is a list of some key policy areas that the Joint Committee may wish to consider in the period covered by this Work Programme. The Committee may decide to engage on any of the topics listed below, or to include other topics not listed below.

Topics not considered by the end of 2023 can be brought forward for consideration as part of the Work Programme for 2024.

Redundancy Process	<ul style="list-style-type: none"> <li>• Duffy Cahill Report update</li> <li>• Companies (Protection of Employees' Rights in Liquidations) Bill 2021 – (PMB)</li> </ul>
Industrial Relations	<ul style="list-style-type: none"> <li>• Employment Regulation Orders</li> <li>• Sectoral Employment Orders</li> <li>• Legislating for Collective Bargaining</li> <li>• Industrial Relations (Provisions in Respect of Pension Entitlements of Retired Workers) Bill 2021. – (PMB)</li> </ul>
Employment	<ul style="list-style-type: none"> <li>• European Work Councils</li> <li>• Employment strategy and how persons in the workplace with a disability are impacted</li> </ul>
Enterprise & Trade	<ul style="list-style-type: none"> <li>• Apprenticeships and skills supports</li> <li>• Development Start-up Environment nationally and regionally</li> <li>• The Competitiveness Environment with a focus on SME's</li> </ul>



	<ul style="list-style-type: none"> <li>• The strengths weaknesses threats and opportunities (SWOTs) of the start-up and scaling environment in Ireland</li> <li>• Ireland's trade relationship with Canada</li> </ul>
Zero Carbon Economy	<ul style="list-style-type: none"> <li>• The SWOTs of the environment for SMEs to adopt a sustainable transition to a low carbon circular economy</li> <li>• Preparedness of enterprises for the challenges posed by the Green Deal</li> <li>• Opportunities developed from a strong focus of a Circular Economy Strategy</li> <li>• Engagement with business agencies and climate targets</li> <li>• Sustainable Development Goals</li> <li>• Corporate Sustainability</li> </ul>

### C. Pre-Legislative Consideration

The Government Legislative Programme makes provision for the publication of a number of Bills. In accordance with Standing Order 173(1), Ministers are now required, save in exceptional circumstances and with the permission of the Business Committee, to bring the General Scheme or draft heads of a Bill to a Joint Committee for consideration. While Committees are empowered to consider the draft heads of Bills, they can decide in relation to a particular Bill that such consideration is not necessary. The Committee will examine all referrals by the Minister for Enterprise, Trade and Employment on a case-by-case basis and will carry out pre-legislative scrutiny on all Bills where it deems it necessary.

#### Pre-Legislative scrutiny

- Co-operative Societies Bill

- MicroFinance Ireland Bill

### **Heads of Bill in preparation**

- Digital Services Bill
- Miscellaneous Provisions (Transparency and Registration of Limited Partnerships and Business Names) Bill 2023
- Industrial Development (Miscellaneous Provisions) Bill

### **Preparatory work underway**

- Companies (Miscellaneous Provisions) Bill
- MicroFinance Ireland Bill
- Companies (Administrative, Governance & Insolvency Amendment) Bill
- Protection of Employees (Employers' Insolvency) (Amendment) Bill
- Registration of Trade Unions Bill

## **D. Scrutiny of Private Members' Bills**

Private Members' Bills will be subject to scrutiny by the Committee in accordance the provisions of Standing Orders 141 and 148B [Dáil]. Paragraph (4) of Standing Order 148B [Dáil] provides for Joint Committee scrutiny of a Bill.

## **E. Post-enactment Consideration**

In accordance with Standing Order 197, twelve months following the enactment of a Bill, save in the case of the Finance Bill and the Appropriation Bill, the member of the Government or Minister of State who is officially responsible for implementation of the Act shall provide a report which shall review the functioning of the Act and which shall be laid in the Parliamentary Library. The Committee is empowered to require the Minister/Minister of State to attend before the Committee in relation to the consideration of the report [Standing Order 95(4)(h)].

## F. Chairpersons Designate of State Boards

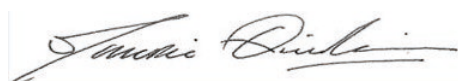
In accordance with Standing Order 96(7), the Committee has the power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Committee to discuss his or her strategic priorities for the role. It presents an opportunity for Chairpersons designate to discuss, with the Committee, the approach they will take as Chairperson and to give their views as to their projected contributions to the agency or body to which it is proposed they be appointed.

## G. Travel

In accordance with Dáil Standing Order 96 (15) the Joint Committee may decide, subject to financial, administrative, and procedural constraints, to undertake travel as it considers necessary to further progress the Work Programme. Such travel may include attendance at conferences or meetings, or study visits related to issues within its remit.

## 4. AGREEMENT OF WORK PROGRAMME

This Work Programme of the Joint Committee on Enterprise, Trade and Employment for 2023 was agreed by the Committee at its meeting on 1 March 2023. In accordance with the Standing Orders of Dáil Éireann and Seanad Éireann, it was agreed that the Work Programme be laid before both Houses of the Oireachtas and placed on the Oireachtas website.



**Maurice Quinlivan TD**

Chair

1 March 2023

## APPENDIX 1- Membership of the Joint Committee

### Deputies

Maurice Quinlivan (SF)	Cathoirleach
Richard Bruton (FG)	
Francis Noel Duffy (GP)	
Joe Flaherty (FF)	
Paul Murphy (S-PBP)	
James O'Connor (FF)	
Louise O'Reilly (SF)	
Matt Shanahan (Ind)	
David Stanton (FG)	

### Senators

Garret Ahearn (FG)
Ollie Crowe (FF)
Róisín Garvey (GP)
Paul Gavan (SF)
Marie Sherlock (Lab)

### Notes:

1. Deputies appointed to the Committee by order of the Dáil on 8 September 2020.
2. Deputy Maurice Quinlivan was appointed as Chair on 8 September 2020.
3. Senators appointed to the Committee by order of the Seanad on 25 September 2020.
4. Deputy James 'O Connor replaced Deputy Niamh Smyth on 26 November 2020.

## APPENDIX 2-Terms of Reference of The Joint Committee

### a) Scope and Context of Activities of Committees (*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;
- 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;
- 4) 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 Joint Committee on Public Petitions in the exercise of its functions under Standing Order 111A; and

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—

- (i) a member of the Government or a Minister of State, or
- (ii) the principal officeholder 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, whose decision shall be final.

- 5) 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 Standing Order 28. The Chairmen of Select Committees shall have responsibility for compliance with this instruction.

### b) Functions of Departmental Committees (*derived from Standing Orders – DSO 84A and SSO 70A*)

- (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 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 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 matters as 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 moneys, and
- (f) such Value for Money and Policy Reviews as the Select Committee may select.

(4) Without prejudice to the generality of paragraph (1), 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
- (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 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 the Select Committee 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, 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) The Joint Committee 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: Provided that the provisions of Standing Order 111F apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.

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