

## **Opening Statement:**

### ***Draft Regulations on the Protection of Young Persons (Employment) (Exclusion of Workers in the Fishing and Shipping Sectors) Regulations 2021.***

#### Introduction

I'd like to thank the Chairman and committee members for giving me the opportunity today to address you on the Draft Regulations on the Protection of Young Persons (Employment) (Exclusion of Workers in the Fishing and Shipping Sectors) 2021.

The draft regulations are before the committee by virtue of the procedural requirements of section 28 of the Protection of Young Persons (Employment) Act 1996. This provides that a draft of every regulation proposed to be made under the Act shall be laid before each House of the Oireachtas and the proposed regulation shall not be made until a resolution approving of the draft has been passed by each House.

The draft regulations in question amend the Protection of Young Persons in Employment (PYPE) Act 1996 with additional protections for young people engaged in the fishing sector.

The Act must be amended by these regulations to complement the full transposition of EU Directive 2017/159 on the implementation of the social partners' agreement on the Work in Fishing Convention. This Directive is primarily a matter for Department of Transport.

However, certain requirements of the Directive require sectoral amendments to the PYPE Act 1996 which falls under my Department. This will ensure that the Directive is fully implemented in Irish law.

It is important to emphasise that the protections offered by the Directive are already applicable to all young persons in employment currently under EU law but Ireland is required to fully transpose the Directive to ensure its protections are carried over into our National law.

These short draft regulations are solely concerned with enhancing protections for young persons who are employed in the fishing sector including restricting night-time work, working hours and holiday work.

They are not connected to general working conditions on fishing vessels and do not impact beyond young persons aged between 16 and 17.

#### Enhanced Protections Provided by the Regulations

The draft regulations will need to be read in conjunction with SI 179 of 2020 entitled 'European Union (International Labour Organisation Work in Fishing Convention) (Minimum Age) Regulations 2020'.

This SI which was introduced by the Minister for Transport, Tourism and Sport sets out the enhanced protections introduced by the EU Directive which apply to young persons aged between 16 and 17

who are employed in the fishing industry. These are now included in the draft regulations for consideration by the committee today.

These regulations provide that a young person may only be engaged in night-time work in the fishing industry if such is required for essential training purposes only and provides for appropriate rest periods.

The regulations also mean that a person aged 15 may only do light work on board a fishing vessel during school holidays provided that the hours of work do not exceed 7 hours in any day or 35 hours in any week.

#### Compliance with Section 8 of the PYPE Act 1996

Section 8 of the PYPE Act 1996 allows a Minister, by regulations, to permit any group or category of employers to employ young persons on terms specified in the regulations in lieu of any of those referred to in section 6 (1) and may include in the regulations such conditions as that Minister sees fit provided that the Minister is satisfied that—

- (a) the terms of the regulations are in compliance with the terms of the Directive,
- (b) the health, welfare and safety of the employees affected will not be endangered, and
- (c) compliance with one or more of the terms of section 6 (1) would be impractical due to the seasonal nature of the work or the technical or organisational requirements of the work or for other substantial reason

I can confirm that I am satisfied that these regulations meet the criteria of section 8(1) of the 1996 Act.

It is also a requirement of section 8(2) of the 1996 act that the Minister a) consults with employer and employee bodies; b) publishes a notice of his intention to issue such regulations.

Accordingly, a letter was sent to employer and employee representative bodies, ICTU and Ibec in January 2020, notifying them of these proposed regulations. Also, a public notice, in both of our official languages, was issued in the national newspapers.

I commend the draft regulations to the Committee, as they will ensure Ireland has fully transposed EU Directive 2017/159 ensured its protections for young people are carried over into our National law.