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## **An Coiste um Thurasóireacht, Cultúr, Ealaíona, Spórt agus Meáin**

Dálaí Oibre agus Easnaimh Scileanna in Earnáil  
Turasóireachta agus Fáilteachais na hÉireann

Samhain 2022

## **Joint Committee on Tourism, Culture, Arts, Sport and Media**

Working Conditions and Skills Shortages  
in Ireland's Tourism and Hospitality Sector



## MEMBERSHIP

- Deputy Niamh Smyth T.D., Fianna Fáil, *Cathaoirleach*
- Deputy Alan Dillon T.D., Fine Gael, *Leas-Chathaoirleach*
- Deputy Ciarán Cannon T.D., Fine Gael
- Deputy Peter Fitzpatrick T.D., Independent
- Deputy Brendan Griffin T.D., Fine Gael
- Deputy Mattie McGrath T.D., Independent
- Deputy Imelda Munster T.D., Sinn Féin
- Deputy Johnny Mythen T.D., Sinn Féin
- Deputy Christopher O'Sullivan T.D., Fianna Fáil
- Senator Malcolm Byrne, Fianna Fáil
- Senator Micheál Carrigy, Fine Gael
- Senator Shane Cassells, Fianna Fáil
- Senator Annie Hoey, Labour Party
- Senator Fintan Warfield, Sinn Féin

Joint Committee on Tourism, Culture, Arts, Sport and Media



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Senator Micheál Carrigy  
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Senator Shane Cassells  
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Senator Annie Hoey  
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Senator Fintan Warfield  
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## FOREWORD

Ireland's tourism and hospitality sector is central to the vitality of the Irish economy. Hotels, restaurants, pubs, and other establishments are the cornerstone of the céad míle fáilte offered to our visitors.

In light of significant research completed by State agencies, union groups, and academic figures, there is a growing body of evidence to suggest that workers and businesses in the sector face real obstacles to a decent working life and to full complements of staff. Workers report issues with wages, employment precarity, harmful workplace behaviours, and trade union access; employers are in need of a vast range of skills that they cannot attract solely from the domestic population.

It is only logical, and it is only right, that State interventions are established to offer some remedy to the sector, and to place the tourism and hospitality on equal footing with any other area of the economy. The Committee calls for stronger and more explicit governance measures in respect of the hospitality sector, for the re-establishment of the Joint Labour Committee system, for the reinforcement of Workplace Relation Commission operations in the sector, and for greater protections to be afforded to workers in the sector. In order to address skills shortage issues, the Committee makes recommendations in relation to visa and work permit applications and the availability of directly relevant apprenticeships, traineeships, and third-level courses.

It is the Committee's hope that these recommendations will be implemented so that Ireland's tourism and hospitality sector can offer as much value to workers and employers as the sector offers to its citizens and to its guests. Every worker deserves fair compensation and decent conditions. Every employer deserves the necessary support and oversight to optimise its service, in addition to an adequately skilled workforce.

I thank all stakeholders who have contributed to the proceedings of the report, as well as to the Minister and the Department for their engagement on these matters. I

extend these thanks to my Committee colleagues and to the Committee's Secretariat.



A handwritten signature in blue ink, appearing to read 'Niamh Smyth', positioned above a horizontal line.

Niamh Smyth T.D.

Cathaoirleach

November 2022



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## EXECUTIVE SUMMARY

According to Fáilte Ireland, Ireland's tourism and hospitality sector accounted for approximately 11% of pre-COVID employment in the country, and for approximately 67% of pre-COVID employment across rural and regional areas. The onset of the pandemic led to a series of restrictions that significantly impacted the sector, and was a major contributing factor to a decline in employment in the sector, as well as uptake of relevant educational programmes. The sector currently faces skill shortages in many key operational roles; the report of the Joint Committee discusses the particular areas of need, the state of sectoral educational initiatives, importing labour, and talent management for the sector.

It has also been observed that employees in the sector may be subject to poor working conditions; employers, in some cases, do not adhere to the minimum protections for employees that are set out in a number of pieces of employment legislation. Employees report a lack of appropriate pay and a lack of adequate break-times; they also report instances of bullying, harassment, and other harmful workplace behaviours, with particular ill-treatment of migrant and female employees within the sector. Implications for pay, employment precarity, harmful workplace behaviours, and collective bargaining—including the Joint Labour Committee (JLC) system—are discussed.

The Joint Committee on Tourism, Culture, Arts, Sport and Media held four (4) public oral hearings and considered eleven (11) written submissions in order to determine the extent of any issues relating to working conditions and skills shortages in Ireland's tourism and hospitality sector. Details of the relevant public oral hearings and written submissions can be found in [Appendix 1](#) and [Appendix 2](#).

## KEY RECOMMENDATIONS

1. The Committee recommends that the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media engage with Cabinet colleagues with a view to establishing an independent body with specific oversight of and responsibility for Ireland's hospitality sector, with functions analogous to those of Fáilte Ireland in respect of Ireland's tourism sector.
2. The Committee recommends that the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media engage with Cabinet colleagues with a view to nominating a single Government Department to retain direct oversight of and responsibility for all aspects of Ireland's tourism and hospitality sector, to include working conditions and training and recruitment.
3. The Committee recommends that the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media engage with industry stakeholders and any other relevant actors or organisations to seek, as a matter of urgency, a workable solution to the legal issues that have shut down the Joint Labour Committees relating to tourism and hospitality, and to ensure that they can be re-established to provide a process for fixing statutory minimum rates of pay and conditions of employment for employees in these sectors, given the clear evidence presented to the Committee of widespread poor pay and working conditions in many parts of the tourism and hospitality sectors.
4. The Committee recommends that the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media engage with Cabinet colleagues with a view to advocating for the expedition of work permit, visa, and Public Personal Service Number applications for tourism and hospitality workers, as associated processing delays directly impact the sustainability of the sector. The Committee also recommends that any changes to visa processing must include a provision that migrants must be fully informed, supported and supplied with all relevant documents pertaining to their employment including their contract and conditions and pay before their visas are granted.
5. The Committee recommends that the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media engage with Cabinet colleagues with a view to advocating for an increased resourcing of the Workplace Relations Commission to increase the number and prioritisation of Workplace Relations

Commission inspections of all tourism and hospitality businesses, with increased inspectorate staffing and an enhanced complaints mechanism for workers in the sector, whereby workers' anonymity can be respected.

6. The Committee recommends that the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media commission further research to meet the need for detailed research and empirical evidence on working conditions, and on the implementation of employment legislation, in Ireland's tourism and hospitality sector, with a particular focus on how women, minoritised groups, and migrant workers are affected.
7. The Committee recommends that the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, in engaging in any interdepartmental group or forum concerning Ireland's tourism and hospitality sector, advocate for and/or ensure insofar as is possible that the interests of trade union groups and workers are equally represented alongside those of employers and their representative groups.
8. The Committee recommends that the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media engage with the Tourism Careers Oversight Group with a view to nominating a body accountable for the delivery of any recommendations made by the Group.
9. The Committee recommends that the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media engage with the Department of Further and Higher Education, Research, Innovation and Science on the delivery of further apprenticeship, traineeship, and third-level diploma and degree programmes that are geographically accessible to as wide a range as possible of prospective apprentices, trainees, or students, and that are directly relevant to the tourism and hospitality sector.
10. The Committee recommends that Fáilte Ireland further enhance its employer development and Excellent Employer programmes to encourage employers to grant uninhibited access to trade unions, and that Fáilte Ireland coordinate a publicity campaign to highlight such initiatives.
11. The Committee recommends that the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media work with the industry and workers' unions to produce a national standardised code of conduct that is mandatory and legally

binding for the hospitality sector, including protections for women, migrants, and minority groups.

## BACKGROUND

### STATISTICAL AND STRUCTURAL CONSIDERATIONS

[Between 2014 to 2020](#), employment grew across *Accommodation and food service activities*, as classified by NACE Rev. 2 Economic Sector and occupational group. However, between Q1 2020 and Q1 2021, employment in the same sector decreased by 43.6%, [marking the largest drop in employment](#) across all economic sectors and occupational groups. It may be inferred from this data that the conditions of the COVID-19 pandemic have not been conducive to employment in the tourism and hospitality sector.

However, the pandemic is unlikely to be the only issue that employees in the sector face: [publicly-available data from 2019](#) indicates that employees in the sector generated €5,710 million, but the sector [recorded the lowest mean earnings in 2018](#).

The majority of organisations in the Irish hospitality sector [are thought to be relatively small-scale](#); according to 2010 research, almost 75% of workplaces employed less than fifty individuals. Restaurants accounted [for 30% of sector turnover in 2010](#), [while hotels accounted for 27% of total sector turnover](#), though Irish accommodation businesses [are suggested to be dominated](#) by medium and small establishments such as bed and breakfasts (B&Bs), guesthouses, and self-catering accommodation.

Fáilte Ireland, in a written submission to the Committee, states that tourism directly contributed to over 11% of total pre-COVID employment in Ireland, and generated approximately 67% of pre-COVID employment in regional and rural Ireland. The Licensed Vintners Association provided evidence to the effect that the Dublin-licensed trade is a significant employer in its own right, with 12,500 staff. In addition, a written submission provided by the Irish Hospitality Institute indicates that pre-COVID tourism and hospitality represented the largest indigenous industry on the island of Ireland, having generated over €9 billion for the economy in 2019.

### POLICY AND LEGISLATIVE FRAMEWORK

In Ireland, there are two distinct pieces of legislation that establish the right to equality and prohibit discrimination: the **Employment Equality Acts 1998—2015**

and the **Equal Status Acts 2000—2015**. These Acts outlaw discrimination and victimisation in employment, vocational training, advertising, collective agreements, and the provision of goods and services.

The Employment Equality Acts 1998—2015 also protect workers against harassment that is perpetrated on the basis of gender, civil status, family status, sexual orientation, age, disability, race, religious belief, and/or membership of the Traveller community.

The **Safety, Health, and Welfare at Work Act 2005** makes provision for the safety, health, and welfare of persons at work, as well as clarifying and enhancing the responsibilities of employers, the self-employed, employees, and various other parties in relation to safety and health at work.

The **Protected Disclosures Act 2014**, and the amendments applied to the Act by the **Protected Disclosures (Amendment) Act 2022**, protects workers in the public, private, and not-for-profit sectors from retaliation if they report wrongdoing in the workplace.

The **Workplace Relations Act 2015** enables the Workplace Relations Commission (WRC) to undertake a range of functions in relation to employment and industrial relations. In addition, under the **Industrial Relations Acts**, Joint Labour Committees (JLCs) are established to provide a process for fixing statutory minimum rates of pay and conditions of employment for particular employees in particular sectors. The **Hotels Joint Labour Committee Establishment (Amendment) Order 2014** extends the JLC system to the hotel sector.

JLCs may be set up by the Labour Court on the application of: (i), the Minister for Enterprise, Trade and Employment; (ii), a trade union; or, (iii), any organisation claiming to be representative of the workers or the employers involved. A JLC is made up of equal numbers of employer and worker representatives appointed by the Labour Court, as well as a chairperson and substitute chairperson appointed by the Minister for Enterprise, Trade and Employment. JLCs normally operate in areas where collective bargaining is not well-established and where wages tend to be low.



The Irish Human Rights and Equality Commission's (IHREC) **Code of Practice on Sexual Harassment and Harassment at Work** sets out guidance for employers and employees on the prevention of harassment and sexual harassment in work, as well as redress measures; it is legally admissible in evidence in proceedings before the courts, the Workplace Relations Commission, and the Labour Court.

The Health and Safety Authority has a **Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work**, which provides guidance for employers, employees, and their representatives on good practice and procedures for identifying, preventing, addressing, and resolving issues around workplace bullying.

On a global level, the International Labour Organisation's **Equal Remuneration Recommendation 1951** establishes certain general principles concerning equal remuneration for work of equal value.

Most employees are entitled to a minimum wage under the **National Minimum Wage Act 2000**; on 14<sup>th</sup> June 2022, the Government announced proposals to introduce a **living wage** for all employees to begin in 2023, set at 60% of the median wage in any given year. The **Payment of Wages Act 1991** sets out a range of rights for employees, together with legal obligations applying to employers, in relation to the payment of wages. The **Payment of Wages (Amendment) (Tips and Gratuities) Act 2022** provides further protection for employees in relation to the payment of wages, as well as providing for the treatment of certain voluntary payments made to or left for employees and contract workers, and imposes obligations on employers relating to the fair distribution of certain tips and gratuities and relating to informing the public of the treatment of tips and gratuities.

The **Employment (Miscellaneous Provisions) Act 2018** provides that employers must furnish employees with certain terms of employment within a certain period after commencing employment, and prohibits contracts specifying zero as contract hours in certain circumstances.

The **Sick Leave Act 2022** provides that employees shall, subject to certain conditions, be entitled to up to and including three (3) statutory sick leave days and

that employees shall be entitled to payment, calculated in the prescribed manner, in respect of statutory sick leave. On 29<sup>th</sup> March 2022, the Department of Social Protection announced details of an **Automatic Enrolment Retirement Savings System**, granting employees access to a workplace pension savings scheme that is co-funded by their employers and the State and that operates on an “opt-out” basis.

## STAKEHOLDER CONTRIBUTIONS

### WORKING CONDITIONS

#### PAY, WAGES, AND TIPS

In research conducted by Fáilte Ireland in [September 2021](#), it was found that 52% of surveyed tourism and hospitality employees who were paid by the hour earn between €10.01 and €12, and that pay was generally a source of concern among surveyed workers. 64% of surveyed workers desired better wages, and 54% desired perks and benefits beyond pay, such as travel allowance. In consultations with recruitment agents, Fáilte Ireland found that some employers' expectations can be unrealistic for the wages offered—for instance, some employers may seek workers with international experience, but offer minimum wage in exchange for such experience.

Unite's [Hidden Truths](#) research, published in July 2021, found that 55.6% of respondents were paid less than €12.30 per hour, and that 50% of respondents reported that they did not receive tips and/or were unaware of tipping practices in their workplace. Moreover, 75% of respondents reported that they did not receive premium payment for Sunday work. 77% of respondents reported that low pay was the most significant problem facing the sector. Unite states that there is resistance to increasing wages for the sector; it believes that the “crisis” in sectoral recruitment has been potentially exaggerated to justify maintaining current wage rates in the face of rising inflation. In addition, Unite claims that there are misleading perceptions regarding the sector and the sectoral workforce, and the possibility that it is viewed by many as low-skilled, temporary, and/or seasonal work exclusively for students or younger individuals is often used to justify low wages.

ICTU, referring to a [2021 ESRI report](#), emphasises that 10% of employees in Ireland were receiving minimum wage across 2017 to 2018, but, of these, 48% were employed in the accommodation, food, wholesale, or retail sectors. ICTU also notes that the Irish minimum wage is the seventh highest in Europe in terms of purchasing power. ICTU thus observes that increasing minimum wage would, in decreasing levels of staff turnover, boost the productivity of businesses and reduce their

expenditure associated with recruitment, retention, and training costs. ICTU reasons that, should staff be paid fairly, they will make more effort at work, as per the fair wage-effort hypothesis, of which the core claim is that workers' performance depends on the perceived fairness of their salary. Unite notes its opposition to any reduction of the minimum wage based on age, particularly given the proportion of young people employed in tourism and hospitality.

The Irish Hotels Federation states that Ireland saw its minimum wage increase by 11.5% between 2016 and 2021, while inflation increased by 3.9% during that same period. ICTU presents evidence to the extent that the rate of inflation may be at 8%, though the Irish Hotels Federation argues that such a rate of inflation is likely a short-term occurrence driven by external factors. However, Dr Deirdre Curran observes that, from further research that she has conducted, employees are concerned about the wages received versus the rate of inflation.

Many stakeholders openly welcome the Payment of Wages (Amendment) (Tips and Gratuities) Bill 2022, including Dr Deirdre Curran, the Irish Tourism Industry Confederation, the Irish Hotels Federation, the Restaurants Association of Ireland, and ICTU. The Bill was subsequently enacted in July of this year. In addition, the Irish Tourism Industry Confederation, the Irish Hotels Federation, and the Restaurants Association of Ireland state their support for the introduction of a statutory sick pay scheme, of the automatic enrolment in pension schemes, and Government commitments to the development of a living wage.

The need for pay-related entitlements such as sick pay and holiday pay is highlighted by Unite and Dr Deirdre Curran, who call for full compliance with any legal minimum requirement. In addition, it appears that a lack of employment protections such as sick leave are endemic across the tourism and hospitality sector; Dr Curran cites a research paper produced by an NUIG colleague in which it was found that 60% of surveyed workers in a sample size of 395, of which 220 were hospitality workers, did not receive sick leave from their employer.

Dr Mary Farrell, in a written submission to the Committee, highlights the issue of standardised pay, and, particularly, equal pay for women for equal work. While Dr

Farrell's submission focuses on the cheffing profession, Unite calls for the gender pay gap across the entirety of the tourism and hospitality sector to be addressed. Dr Farrell recommends the establishment of pay rate guides for all chef grades, and the exploration of a specific pay rate for the Dublin region, in order to ensure a minimum standard for all chef employees at all grades of cheffing work.

## **PRECARITY OF EMPLOYMENT**

ICTU notes that precarious work is a strong feature of employment in tourism and hospitality. ICTU states, furthermore, that 41% of those in the sector worked part-time, and this proportion has grown to 51% over the course of the pandemic, which ICTU takes as a demonstration of growing precarity in the sector. Fáilte Ireland's September 2021 survey reported that 33% of respondents desired job security and longer-term contracts.

The Vintners' Federation of Ireland observes that certain elements of precarity and working conditions are unavoidable characteristics inherent to the sector itself, whereby, for instance, establishments which deal in tourist-focused or seasonal trade are dependent on activity during a given period, and thus employment itself is seasonal as a result. Furthermore, the Vintners' Federation of Ireland remarks that, in establishments such as traditional Irish pubs, there is a certain reliance on weekend activity and organised occasions, and, consequently, the employment generated is more part-time than full-time, and is concentrated at weekends.

The Restaurants Association of Ireland remarks that the Employment (Miscellaneous Provisions) Act 2018 outlawed zero-hour contracts and ensured that employees receive core terms of employment within five working days of commencing employment.

However, Dr Deirdre Curran, in her [Inside-Out Hospitality](#) report published in 2021, presents evidence of significant breaches of basic employment rights. In an October 2021 public oral hearing, Dr Curran notes that, in 2019, 73% of hotels inspected by the Workplace Relations Commission (WRC) were in breach of minimum regulations, and 30% of inspected food and beverage employers found to be in

breach; 40% of these inspections were announced. Dr Curran notes that €54,000 of unpaid wages within the sector were recovered by the WRC in 2019.

Dr Curran further remarks that, in 2020, 32% of WRC inspections were announced, with 32% of inspected food and beverage employers found to be in breach of regulations, and 24% of inspected hotels found to be in breach. ICTU highlights the incidences of employment rights breaches within the sector alongside the advent of major lockdowns in 2020. The Irish Hotels Federation states that the number of breaches identified by the WRC in hotels is low relative to the total number of breaches identified by the WRC.

While Dr Curran calls for a targeted campaign of unannounced inspections, ICTU recommends that the WRC prioritise tourism and hospitality establishments for inspections, increase the number of unannounced labour inspections, and expand the remit of these inspections. ICTU and Dr Curran, in an October 2021 public oral hearing, note that the WRC is severely understaffed with regard to its inspectors, with ICTU stating that a full complement of WRC inspectors was not in place at the time of the hearing.

## **HARASSMENT, BULLYING, AND MISTREATMENT**

Several stakeholders cite evidence of harassment, bullying, and mistreatment within the sector, much of which appears to be concentrated on women and migrant workers. Fáilte Ireland notes that, as per its September 2021 survey of 3,500 employees, sources of dissatisfaction include improper treatment by customers, unprofessional treatment by management, discriminatory practices, a default assumption that customer complaints are correct, and infrequent or absent positive feedback provided by management.

Unite's *Hidden Truths* report found the following in relation to the treatment of employees:

## UNITE'S *HIDDEN TRUTH* SURVEY FINDINGS: MISTREATMENT OF WORKERS

- 70% of respondents cited a **lack of breaks** during their working day;
- 72% of respondents reported that their workplace is **deliberately understaffed**;
- 70% of respondents reported **that they had experienced bullying**;
  - of these, 55% did not report the incident due to a fear of repercussions or due to a lack of trust that change could occur;
- 80% of respondents reported that being employed in the industry had **negatively impacted their mental health and wellbeing**; and
- 52% of respondents reported a belief that **migrant workers were treated worse** than non-migrant workers.

Unite expresses concerns on the treatment of migrant workers in the sector, stating that all workers should have the same rights in order to protect the quality of all jobs; Unite notes that migrants may be vulnerable and may face barriers such as language and/or limited knowledge of their rights. Unite also observes that there is the potential that migrant workers may also be less likely to make complaints or report any breaches of their rights for fear of having their employment terminated or of losing their work permit or visa. SIPTU notes that Ireland was encouraged to domestically enforce the EU Employer Sanctions Directive (*Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals*), which grants protections to “irregular” migrants, but Ireland did not opt into the Directive.

Dr Deirdre Curran’s research also substantiates the claim that there is verbal, psychological, and physical abuse, harassment, and bullying within Ireland’s tourism and hospitality sector. Dr Curran notes that employees have indicated feelings of being overworked and overwhelmed, that employees worked more than their “working hours” dictated, that customers’ behaviours were often challenging, that work-life balance and adequate rest are not facilitated, and that these working

conditions and levels of ill-treatment existed prior to the pandemic. The majority of those interviewed by Dr Curran in the course of her research indicated that working conditions in tourism and hospitality have deteriorated since emerging from the pandemic, and that employment in the sector does not correspond to the characteristics of decent work: secure employment, fair wages, safe working conditions, social protection, social dialogue, and labour rights and standards.

Dr Mary Farrell notes that, from her independent research, the majority of women within the cheffing industry work in low-grade chef roles, and low-status kitchen manager leadership roles; she highlights that men tend to dominate in all leadership roles within the cheffing hierarchy, and even more so in elite fine-dining and hotel kitchens. She substantiates a claim that there is a misogynistic culture within the cheffing profession, and several barriers to gender equality, including overall leadership, supportive attitudes to parental leave, aggressive behaviours, non-transparent promotion pathways, discriminatory practices, sexist behaviour, and a “boys’ club” culture. She furthermore observes that bullying and sexual harassment are key concerns for women, but that it also affects men. Dr Farrell calls for the establishment of a national standardised gender-inclusive code of conduct for all professional kitchens, together with an independent complaints oversight body to address issues within the profession—and states that such a body’s remit could perhaps be extended to hospitality in general.

Dr Curran also points to work conducted by an NUIG colleague that finds that workers in the sector have experienced or witnessed discrimination at work, that they do not feel protected from emotional and verbal abuse, that regular tasks physically endanger them, that they do not feel their organisations respect their mental health, that they have experienced or observed workplace abuse, that their views are not valued in the workplace, that they were not comfortable raising issues with their manager, and that their work schedules change at short notice.

### **TRADE UNION ACCESS AND COLLECTIVE BARGAINING**

Union groups, presenting to the Committee, observe that trade union recognition and access to trade unions is limited across the tourism and hospitality sector, and, indeed, ICTU states that intimidation on the part of the employer can occur if a



worker wishes to join a trade union. Dr Deirdre Curran observes that, in some cases, workers do not join a trade union as they are unaware that there are unions relevant to tourism and hospitality, in addition to a fear of “speaking out” or reporting incidences of wrongdoing that they have experienced.

Unite states that trade unions should also be able to access workplaces, whether through a noticeboard or through specific allocations of dates or times during which workers may be able to meet a union representative in the workplace. Unite notes that, as a result of the transitory nature of some hospitality and tourism work, workers may not be aware of or comprehend their rights or entitlements; as unions can be denied access to the workplace, those who may require the services of trade unions cannot have their needs met, and Unite highlights that there may be implications for health and safety conditions in many workplaces as a result.

Dr Curran advocates for a platform through which employees in tourism and hospitality can be granted a “voice”; in her *Inside-Out Hospitality* report, she notes that employee “voice” refers to opportunities to speak on and to participate in decisions that impact one’s working life. “Voice” is key to “in-work democracy”, according to Dr Curran, and is, *inter alia*, fundamentally conditional on trust in one’s employer.

Dr Curran notes that one such mechanism for the delivery of a “voice” to workers would be the Joint Labour Committee (JLC) system, as detailed in the [previous chapter of the present report concerning the relevant policy and legislative framework](#). The JLC system was also discussed by ICTU, SIPTU, the Irish Tourism Industry Confederation, the Irish Hotels Federation, and the Restaurants Association of Ireland.

A High Court ruling in March 2011 determined that the JLC system was unconstitutional, in light of certain provisions of the Industrial Relations Acts permitting an excessive delegation of law-making power to the Labour Court; the complainants argued that existing employment legislation adequately protected employees, and that the JLC which had been established for the catering sector had

set conditions for its employees that were more favourable than those for which employment legislation enacted by the Oireachtas had provided.

Those in favour of re-establishing the Joint Labour Committee system largely include the trade union groups: ICTU states that a Joint Labour Committee, established for the tourism and hospitality sector, would stop competition on wages and prevent a “race to the bottom” for workers. To substantiate its claim, ICTU points to a [Bargaining for Productivity](#) report, co-funded by the European Commission, which states that there are positive outcomes achieved through coordinated bargaining and collective bargaining governability [...] [and] multi-employer bargaining and bargaining coordination might have positive impact on economic performance, because, in principle, they impede wage competition and enforces companies to increase productivity in order to be able to pay the given wages”.

Collective bargaining, according to the [European Foundation for the Improvement of Living and Working Conditions](#), refers to all negotiations between one or more employers (or their organisations) and one or more workers’ organisations, including trade unions, for determining working conditions and terms of employment.

ICTU notes that the sector previously offered decent working conditions and prospects when the JLC system was fully functional. SIPTU states that it supports the JLC system as an appropriate framework for employees and employer representatives to deal with issues pertaining to the tourism and hospitality sector, and that the system would fix statutory minimum rates of pay, alongside conditions of employment, for the sector.

The industry groups, such as the Irish Tourism Industry Confederation, the Irish Hotels Federation, and the Restaurants Association of Ireland, state that the JLC system has become outdated with the enactment or progression of employment legislation and/or policy that applies to all sectors, such as those that stipulate the national minimum wage, conditions of employment, statutory sick leave, allocation of tips and gratuities, pension auto-enrolment, and commitments to the development of a living wage.

The Irish Hotels Federation states that JLCs could serve to undermine employment and competitiveness in the tourism and hospitality sector, and the Irish Hotels Federation and Restaurants Association of Ireland state that there are harmonious industrial relations within the sector at the time of presenting evidence. The industry groups also raise the concern of differential treatment across sectors and across businesses; the Restaurants Association of Ireland states that all businesses should be subject to the same conditions, while the Irish Tourism Industry Confederation opposes the JLC system on the basis of a belief that it would be inappropriate to impose legally binding pay rates and conditions, which could be in excess of statutory levels applied to other sections of the economy, exclusively on certain sectors.

## SKILLS SHORTAGES

### AREAS OF NEED

Fáilte Ireland estimates that there are approximately 40,000 vacancies across the industry, with 24% of these, or 9,600, at a senior level. A July 2021 survey conducted by Fáilte Ireland found that 88% of surveyed businesses experienced difficulty in recruiting new staff; 68% of surveyed businesses experienced difficulty in rehiring pre-existing staff. Fáilte Ireland notes that many particular positions are difficult to fill, including senior managers, chefs, bar staff and waiting staff, middle management roles, mid- to senior-level managers in hotels, sales and marketing professionals, and coach drivers. In a review of skills shortages across other jurisdictions, Fáilte Ireland found that the tourism and hospitality sectors across all reviewed countries face similar circumstances for similar reasons, including unfilled roles and a lack of suitable applicants, difficulties retaining staff, upward wage pressure, a lack of international workers, a reliance on public sector bodies to produce solutions, and a disconnect between the source of the challenge and ownership of solutions.

The Vintners' Federation of Ireland notes that labour shortages have resulted in reduced trading hours, additional hours for existing staff, the training of new staff who are inexperienced, total closure for a period to allow existing employees to have annual leave, increasing wage rates to meet the expectations of existing employees,

and an impact on the quality of service, on customers' expectations of a hospitality setting, and on the breadth of offerings across the sector. The Licensed Vintners Association states that, from a 2021 survey of its members, 90% of respondents noted it was difficult to recruit staff, 83% remarked that staff moved to other industries, 89% noted concerns about staff shortages for 2022, and 79% remarked that uncertainty in the industry was the primary motivation for loss of staff since March 2020. ICTU notes that the solution to skills and staff shortages is to improve the environment and conditions within which workers are expected to operate, rather than seek new markets from which to recruit low-paid employees.

The Licensed Vintners Association also noted that there were significant skill gaps within their enterprises within the areas of operations, general management, customer care, event management, HR, health and safety, legal, finance, and facilities management. The Irish Hotels Federation calls for the "Critical Skills Occupations List" to include Chef de Partie, Sous-Chef, and Executive Chef. The Restaurants Association of Ireland notes that there is a "glaring and immediate need" for the oversight of training and development within the tourism and hospitality sector, and highlights a [2015 report of the Expert Group on Future Skills Needs](#), which found that "there is a need for a more structured approach nationally of responsibility to drive the hospitality sector to meet skills demand [...] [and there is] presently an absence of an overall leadership and coordination function for the skills development of the sector".

While the development of the tourism sector, including addressing skills shortages, has an oversight structure in the form of Fáilte Ireland, a common theme among certain stakeholders was that no one body has direct remit for hospitality. The Restaurants Association of Ireland emphasises the need for collaboration between the sectors of tourism and hospitality, and the need for a responsible, unified governing and/or development body. The Licensed Vintners Association echoes the sentiment of the Restaurants Association of Ireland, stating that the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, alongside Fáilte Ireland, would be "natural homes" for hospitality. The Licensed Vintners Association also points to the Tourism Careers Oversight Group as an example of where delivery of such responsibility is vital, as the Licensed Vintners Association states that there must be

an accountable body for the delivery of any recommendations arising from the Oversight Group.

The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media acknowledges that responsibility for the hospitality sector is diffuse, with a number of Government Departments responsible for particular aspects of the industry; the Department of Justice deals with licensing, for instance, while the Department of Enterprise, Trade and Employment deals with work permits, and the Department of Further and Higher Education, Research, Innovation and Science deals with the issue of skills. The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media also notes that there are long-term questions on how best to build on the cooperation established by the Hospitality and Tourism Forum, and additionally acknowledges the requests from the sector for clarity on the leading entity for hospitality.

### **EDUCATIONAL, TRAINING, AND DEVELOPMENT PROGRAMMES**

The Irish Hospitality Institute emphasises, in a written submission to the Committee, that rebuilding and developing sustainable talent pipelines is a solution to the skills shortages found within the tourism and hospitality sector; it notes that a lack of recognition and understanding of the career opportunities in the industry, as well as a lack of recognition as a career of choice by schools, careers guidance counsellors, and parents, has led to a decline in student numbers within third-level institutions in relevant tourism and hospitality courses, with some programmes cancelled entirely.

The Restaurants Association of Ireland recommends the establishment of an action plan and funded taskforce for future development, promotion, and training in the tourism and hospitality sector, noting that Education and Training Boards (ETBs), and Institutes of Technology, are working in isolation in their offering of tourism and hospitality courses. It calls for the delivery of structures that will allow for the migration of, for instance, ETB trainees into universities and upward through the qualifications framework. The Restaurants Association of Ireland also states that there should be accessibility for all who wish to enter the tourism and hospitality sector, and, particularly, that travelling long distances should not be a prerequisite for those who wish to be trained or educated within the sector; it recommends a regional

spread of training centres, and the linking of industries with educational establishments so that both are readily accessible to trainees and apprenticeships.

ICTU calls for a greater provision of apprenticeships, alongside ensuring that students working within tourism and hospitality and undertaking a course of study are guaranteed adequate pay, conditions, and treatment; ICTU also states that employers should adhere to all employment legislation in the provision of apprenticeships. Furthermore, ICTU recommends that safeguards be established whereby apprentices cannot be used to displace or replace workers currently within the sector. If students are to be attracted to tourism and hospitality courses, ICTU observes that clear career paths, salary progression, and other personal and professional opportunities should be identified to this end. Dr Deirdre Curran notes that, if further apprenticeships are to be established within the sector, education must be included on employment rights, access to protective measures, and workplace resilience.

### **ATTRACTING OVERSEAS WORKERS**

Stakeholder groups such as the Irish Tourism Industry Confederation, the Irish Hotels Federation, and the Restaurants Association of Ireland highlight the inability of the domestic labour market to fulfil the skills shortages observed in Ireland's tourism and hospitality industry. The Irish Tourism Industry Confederation states that, with low levels of unemployment in Ireland, it will be necessary to concentrate certain efforts to recruiting talent from other EU and non-EU countries; the Restaurants Association of Ireland calls on Government Departments and Fáilte Ireland to engage with industry to bolster a recruitment drive, including targeted international recruitment fairs.

Many highlight the difficulties around securing talent from other countries as a result of the shortage of accommodation and the cost of rental accommodation in Ireland, and particularly in Dublin; the Vintners' Federation of Ireland, for instance, notes that Cork, Limerick, and Galway are areas experiencing difficulties with accommodation, and therefore difficulties in attracting labour from overseas, as many publicans and businesses are unable to offer accommodation for migrant workers. The Licensed Vintners Association remarks that some individual publicans are providing

accommodation for staff, but that these individual cases represent an exception, rather than the norm. The Licensed Vintners Association also states that, from its experience, international workers tend to arrive in Ireland in groups of one or two, and accommodation such as single-room apartments is much more difficult to source and much more difficult to afford for tourism and hospitality workers.

Other stakeholder groups note the necessity of the work permit and visa systems to the capacity of Ireland's tourism and hospitality sector to secure overseas labour, and highlight the impact of any delay in work permit or visa processing on the skills shortages in the sector. The Irish Tourism Industry Confederation, the Vintners' Federation of Ireland, the Irish Hotels Federation, and the Restaurants Association of Ireland all call for some form of change to the work permit or visa processing system. While the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media participates in the Interdepartmental Group on Work Permits and advocates for the prioritisation of chef permit applications, many stakeholders request that any delays specifically affecting tourism and hospitality businesses should be eliminated. Dr Mary Farrell, however, suggests that solutions such as the mass production of work permits focus solely on employer needs and piecemeal solutions, and may have the consequence of subjecting vulnerable imported labour to substandard working conditions.

## **TALENT MANAGEMENT**

Fáilte Ireland states that a key point in respect of recruitment is capability; it observes that many tourism businesses are SMEs, and they do not necessarily have human resources capacities or HR teams. Fáilte Ireland highlights, therefore, that it provides a programme to educate businesses on recruiting in a competitive market and on successful onboarding. Fáilte Ireland notes that, where individuals have choices in a particular job market due to low levels of unemployment, it is vital to invest time and energy in new recruits so that they do not opt to leave as a result of the many employment choices facing them.

Dr Kathleen Farrell, in a written submission to the Committee, states that talent management is essential in every industry. "Talent", according to Dr Farrell, describes those with skills, knowledge, and abilities that provide value to an

organisation's success. Dr Farrell states that successful talent management in tourism and hospitality will aid establishments in job recruitment and job retention, which is vital in a customer-facing industry; she also observes that talent management is integral to engaging employees in the organisation, that effective talent management can encourage "employment with a human face", that it can result in less low-wage labour, and that, in recognising the benefits of training, development, and paying living wages, motivation and commitment will be enhanced in employees.

Dr Farrell notes that, where employees are valued and have avenues for growth and promotion, the generation of emotional investment in employees may have the potential to offset some of the more undesirable aspects of working in the tourism and hospitality, such as lower wages and unsocial hours. She notes that work-life balance, training and development, career progression, and growth opportunities should be core components of talent management in the tourism and hospitality industry.



## APPENDIX 1

### LIST OF PUBLIC ORAL HEARINGS

WITNESSES	DATE	
<p><b>Unite</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Opening statement</a></li> </ul> <p>Julia Marciniak [<i>Hospitality and Tourism Coordinator</i>]</p> <p>Rhona McCord [<i>Research, Communications, and Community Officer</i>]</p> <p><b>Irish Congress of Trade Unions</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Opening statement</a></li> </ul> <p>Liam Berney [<i>Industrial Officer</i>]</p> <p><b>SIPTU</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Opening statement</a></li> </ul> <p>Denis Hynes [<i>Hospitality Sector Organiser</i>]</p> <p><b>Dr Deirdre Curran, NUIG</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Opening statement</a></li> </ul>	13 <sup>th</sup> October 2022	<a href="#">Meeting transcript</a>
<p><b>Fáilte Ireland</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Opening statement</a></li> </ul> <p>Paul Kelly [<i>Chief Executive</i>]</p> <p>Jenny De Saulles [<i>Director of Sector Development</i>]</p>	6 <sup>th</sup> April 2022	<a href="#">Meeting transcript</a>

Caeman Wall [*Head of Economics and Industry Analysis*]

### **Irish Hotels Federation**

- [Opening statement](#)

Tim Fenn [*Chief Executive*]

Denyse Campbell [*President*]

Eoin Quinn [*Director of Member Services*]

### **Restaurants Association Ireland**

- [Opening statement](#)

Adrian Cummins [*Chief Executive Officer*]

Mark McGowan [*President*]

Amy Sweetman [*Public Affairs Manager*]

### **Vintners' Federation of Ireland**

25<sup>th</sup> May 2022

[Meeting transcript](#)

- [Opening statement](#)

Paul Clancy [*Chief Executive Officer*]

Paul Moynihan [*President*]

### **Licensed Vintners Association**

- [Opening statement](#)

Donall O'Keeffe [*Chief Executive Officer*]

Alison Kealy [*Chairperson*]

**Department of Tourism, Culture,  
Arts, Gaeltacht, Sport and Media**

**25<sup>th</sup> May 2022**

[Meeting  
transcript](#)

- [Opening statement](#)

Cian Ó Lionáin [*Assistant Secretary*]

Bernard O'Shea [*Principal Officer*]

**Unite**

**29<sup>th</sup> June 2022**

[Meeting  
transcript](#)

- [Opening statement](#)

Robert Kelly [*Regional Officer*]

Rhona McCord [*Strategic Research  
and Communications Coordinator*]

Karen Doyle [*Hospitality Branch  
Secretary*]

**Irish Congress of Trade Unions**

- [Opening statement](#)

Fiona Dunne [*National Coordinator of  
ONE Movement*]

Clement Shevlin [*Sector Organiser  
with SIPTU*]

**SIPTU**

- [Opening statement](#)

Denis Hynes [*Hospitality Sector  
Organiser*]

**Dr Deirdre Curran, NUIG**

- [Opening statement](#)

## APPENDIX 2

### LIST OF WRITTEN SUBMISSIONS

#### STAKEHOLDER

[Curran, Dr Deirdre](#)

[Fáilte Ireland](#)

[Farrell, Dr Kathleen](#)

[Farrell, Dr Mary](#)

[Irish Hospitality Institute](#)

[Irish Hotels Federation](#)

[Irish Tourism Industry Confederation](#)

[Licensed Vintners Association](#)

[SIPTU](#)

[Unite](#)

[Vintners' Federation of Ireland](#)

## APPENDIX 3

### ORDERS OF REFERENCE OF THE COMMITTEE

#### STANDING ORDERS 94, 95 AND 96: SCOPE OF ACTIVITY AND POWERS OF SELECT COMMITTEES AND FUNCTIONS OF DEPARTMENTAL SELECT COMMITTEES

##### Scope and context of activities of Select Committees

**94.** (1) The Dáil may appoint a Select Committee to consider and, if so permitted, to take evidence upon any Bill, Estimate or matter, and to report its opinion for the information and assistance of the Dáil. Such motion shall specifically state the orders of reference of the Committee, define the powers devolved upon it, fix the number of members to serve on it, state the quorum, and may appoint a date upon which the Committee shall report back to the Dáil.

(2) It shall be an instruction to each Select Committee that—

(a) it 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;

(b) 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;

(c) it 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 125(1); and

(d) it 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 office-holder of a State body within the responsibility of a Government Department or
- (iii) the principal office-holder of a non-State body which is partly funded by the State,

Provided that the Committee may appeal any such request made to the Ceann Comhairle, whose decision shall be final.

(3) 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 to the Business Committee by a Cathaoirleach of one of the Select Committees concerned, waives this instruction.

### **Functions of Departmental Select Committees**

**95.** (1) The Dáil may appoint a Departmental Select Committee to consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Dáil on any matter relating to—

(a) legislation, policy, governance, expenditure and administration of—

- (i) a Government Department, and
- (ii) State bodies within the responsibility of such Department, and

(b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.

(2) A Select Committee appointed pursuant to this Standing Order shall also consider such other matters which—

(a) stand referred to the Committee by virtue of these Standing Orders or statute law, or

(b) shall be referred to the Committee by order of the Dáil.

(3) The principal purpose of Committee consideration of matters of policy, governance, expenditure and administration under paragraph (1) shall be—

(a) for the accountability of the relevant Minister or Minister of State, and

(b) to assess the performance of the relevant Government Department or of a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.

(4) A Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—

(a) consents to such consideration, or

(b) has reported on such accounts or reports.

(5) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Dáil: provided that the Joint Committee shall not consider—

(a) the Committee Stage of a Bill,

(b) Estimates for Public Services, or

(c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.

(6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.

(7) The Cathaoirleach of the Select Committee appointed pursuant to this Standing Order shall also be Cathaoirleach of the Joint Committee.

(8) Where a Select Committee proposes to consider—

(a) EU draft legislative acts standing referred to the Select Committee under Standing Order 133, 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, or

(d) matters listed for consideration on the agenda for meetings of the relevant Council (of Ministers) of the European Union and the outcome of such meetings, the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:



(i) members of the European Parliament elected from constituencies in Ireland,

(ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and

(iii) at the invitation of the Committee, other members of the European Parliament.

(9) 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 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 130 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.

### **Powers of Select Committees**

**96.** Unless the Dáil shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

(1) power to invite and receive oral and written evidence and to print and publish from time to time—

(a) minutes of such evidence as was heard in public, and

(b) such evidence in writing as the Committee thinks fit;

(2) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil;

(3) power to draft recommendations for legislative change and for new legislation;

(4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to—

(a) require any Government Department or other instrument-making authority concerned to—

(i) submit a memorandum to the Select Committee explaining the statutory Instrument, or

(ii) attend a meeting of the Select Committee to explain any such statutory instrument: Provided that the authority concerned may decline to attend for reasons given in writing to the Select Committee, which may report thereon to the Dáil, and

(b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;

(5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss—

(a) policy, or

(b) proposed primary or secondary legislation (prior to such legislation being published),

for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy or proposed legislation;

(6) power to require that a member of the Government or Minister of State shall attend before the Select Committee and provide, in private session if so requested by the attendee, oral briefings in advance of meetings of the relevant EC Council (of Ministers) of the European Union to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;

(7) 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 Select Committee to discuss his or her strategic priorities for the role;

(8) power to require that a member of the Government or Minister of State who is officially

responsible for the implementation of an Act shall attend before a Select Committee in relation to the consideration of a report under Standing Order 197;

(9) subject to any constraints otherwise prescribed by law, power to require that principal office-holders of a—

(a) State body within the responsibility of a Government Department or

(b) non-State body which is partly funded by the State, shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-

holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil;

and

(10) power to—

(a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and

(b) undertake travel;

Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Cathaoirligh under Standing Order 120(4)(a).



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