

Committee Stage Opening Statement, Employment Permits Bill 2022

Minister Damien English

I am very pleased to have the opportunity to discuss the Employment Permits Bill with the Committee today.

The purpose of this Bill is to consolidate and update the legislative provisions that regulate the Employment Permits system, namely the Employment Permits Acts of 2003 and 2006 (as amended in 2014).

The conclusions of the Review of Economic Migration Policy (2018) endorsed the robust fundamental structure of the existing system. The Review recommended that new legislation be initiated to increase the responsiveness of the system, to modernise it and to ensure that it is capable of adapting to the changing needs of the labour market of the future.

The changes proposed in the Bill give effect to many of these recommendations, while retaining the key policy focus of supporting the economy and the labour market through evidence-based decision making and ensuring the rights of migrant workers are protected.

Other new improvements have been made to the current legislation including:

- the introduction of a seasonal employment permit,
- revision of the labour market needs test to make it more relevant and efficient,
- improved efficiency through moving operational criteria to regulations,
- providing for additional conditions for the grant of an employment permit such as training or accommodation support for migrant workers, business process innovation or upskilling to decrease future reliance on permits, and
- automatic indexation of salary thresholds.

Today, I am also proposing an amendment to the Bill designed to address the challenges in providing employment permits promptly to non-EEA nationals who take temporary employment as non-consultant hospital doctors (NCHD's), in public hospitals and public health facilities. These posts require the NCHD to undertake employment in a number of locations within the hospital system.

The Bill provides for a new two-year multi-site General Employment Permit (GEP) to facilitate their multiple employment contracts during that two-year period so that they don't have to keep applying for new Employment Permits every six months. Further minor amendments in relation to NCHDs may be brought at Report Stage.

The Bill also sets out the types of permit that will be available and broadly replicates those established in the current Acts and includes the new Seasonal Employment Permit added for seasonally recurring roles, that will be specified in Regulations. The need for this permit type is borne out in submissions from the agriculture and horticulture sectors.

Given that Ireland is an outlier internationally in not providing such a permit and given the broad welcome the proposal received in the public consultation on the General Scheme, I

think that this type of permit is needed. Seasonal Permit holders will fall under the protection of Ireland's body of employment rights legislation which protects all employees who are legally employed on an employer-employee basis, regardless of the work they do.

However, I have been mindful of concerns raised by Members at the Pre-Legislative Scrutiny of the Committee. In recognition of those concerns I am considering a significant range of protections for Seasonal Employment Permit holders. Likely key protections include:

- employers must get approved as 'Seasonal Employment Permit Approved Employers',
- Seasonal workers having the ability to easily transfer their Seasonal Employment Permit to another Approved Employer and a simplified renewal process that will offer low-cost renewals for multiple years, and
- accommodation being offered and any deductions from wages for it will be strictly limited.

Further drafting work is required for this new permit type and further detail on this will be presented at Report Stage for consideration.

An amendment will also be brought forward at Report Stage to Section 8 with regard to international protection applicants catered for under Regulation 11 of the EC (Reception Conditions) Regulations 2018.

Permissions under the EC Regulations do not in themselves confer the right to work, however some of this cohort will, after six months, be eligible to apply for a permission to work from the Minister for Justice, without recourse to the Employment Permit system. A reference will be entered under Section 8, which sets out the cohorts for whom an employment permit is not required.

I also acknowledge the concerns from Members of the Committee on the requirement in our Bill for permit holders to remain with their first employer for 12 months before they can easily move. I have instructed my officials to consult stakeholders on this matter with the intention of reducing this time period at Report Stage.

Finally, following discussions at Second Stage, I have asked my officials to consider the legal and operational implications of allowing all General Employment Permit holders and Critical Skills Employment Permit holders to transfer their employment permit to a new employer in the future. This would be a fundamental alteration of our Employment Permit system, but I believe it is one worth further investigation, ahead of Report Stage.

I thank Deputies for their contributions on the Bill so far and I look forward to our discussion here today.

ENDS