



Six Ways in Which the Employment Permits Bill will Modernise the Irish Permits System

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Introduction

On 12 October 2022, the Minister for Business, Employment and Retail, Damien English TD introduced the Employment Permits Bill 2022 (the "Bill"). Once enacted, the Bill will repeal the Employment Permits Act 2003 and 2006 and is intended to modernise the Irish employment permit system, allowing evolvment in a competitive global labour market.

Key Provisions

Six of the key provisions include:

1. **Seasonal employment permit:** If adopted, the Bill will create a new type of permit for seasonal workers known as the Seasonal Employment Permit, which would be the first of its kind in Ireland. This type of permit caters for short-term work and recurrent / seasonal employment in certain sectors.
2. **Labour market needs test:** The Bill provides for extensive revision of the labour market needs test in order to simplify the process which companies are required to undertake prior to hiring a third-country national. The aim of the review is to allow for the evolvment of recruitment practices over time whilst balancing the protection of the EEA labour market with the needs of employers.
3. **Improved efficiency through moving operational criteria to regulations:** Under the Bill, the Minister may make regulations in relation to any matter referred to within the legislation. This includes any provisions which may be incidental, supplementary, consequential or transitional provisions which the Minister considers necessary. Moving from operational criteria to regulations will allow for the streamlining of a number of requirements to make the grant process more efficient and more easily modified.
4. **Employment permit online system (EPOS):** The Bill provides for expedited modifications to the

EPOS to ensure it adapts rapidly to the changing needs of the Irish and EEA labour market. Additionally, it would authorise the Minister to make amendments to an application as prescribed in regulations, the purpose of which is to avoid requiring an applicant to re-submit a new application and reduce the administrative burden on users of the EPOS.

5. Additional conditions for granting a permit: The Bill provides for additional obligations on employers for granting an employment permit, such as training or accommodation support for migrant workers in some circumstances, or making innovation or upskilling a condition of grant where this may decrease future reliance on economic migration. In addition, it requires minimum salary thresholds for employment permits to be indexed to wage growth in Ireland.
6. Facilitating third party contracts: The Bill enables foreign nationals who are employed outside the state by a contractor or subcontractor to perform duties that arise out of a service agreement where the foreign national is required, pursuant to their employment with the contractor or subcontractor, to perform those duties in Ireland. In this instance, the contractor or subcontractor may apply for a contract for services permit. Previously, only a foreign contractor (i.e. the direct employer) could make such an application.

Conclusion

The lack of flexibility in the current system has created significant and timely hurdles for employers seeking to engage non-EEA nationals in Ireland. The changes introduced under the Bill are a welcome improvement which will hopefully allow for a more efficient recruitment process going forward. Whilst an implementation date has not yet been confirmed, it is envisaged that the Bill will become law in early 2023.

For further information on the Bill or if you are seeking corporate immigration advice, please contact Bláthnaid Evans or Marianne Norton of our employment and corporate immigration team on 01 639 3000 or email ireland@ogier.com. Visit www.leman.ie for more information.

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