

Prepared by the Department of Business, Enterprise and Innovation
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Review of the Occupations Lists for Employment Permits

Quarter 4 2018

Public Consultation Submission Form

1. Introduction

# 1.1 Economic Migration Policy

Ireland operates a managed employment permits system which maximises the benefits of economic migration while minimising the risk of disrupting Ireland’s labour market. The State’s general policy is to promote the sourcing of labour and skills needs from within the workforce of the State and other EEA states. Where specific skills prove difficult to source within the State and EEA, an employment permit may be sought by an employer to hire a non-EEA national.

To implement this policy, Ireland currently operates an employment permits regime that:

* focuses on key sectors and skills shortages, especially in economically strategic enterprises with potential for jobs growth;
* adheres to the principle of community preference and avoids disrupting the labour market or reducing the employment opportunities for the resident population;
* ensures that employment permit holders are making a positive net contribution to the Irish economy;
* minimises the potential for abusing the employment rights of migrants, is clear and consistent and therefore attractive to migrants and employers;
* is administratively effective and efficient, has a clear legislative basis, and is sufficiently flexible to react quickly to changes in the labour market.

# 1.2 The Occupational Lists for Employment Permits Purposes

In order to ensure that the employment permits system is responsive to changes in economic circumstances and labour market conditions, the employment permits system is managed in part through the operation of a list system for in-demand, highly skilled occupations and those for whom a ready source of labour is available (ineligible occupations) is in place.As demand grows or recedes, the orientation of economic migration is adjusted accordingly through changes to these lists of highly skilled and ineligible occupations:

The employment permits regime is designed to facilitate the entry of appropriately skilled non-EEA migrants to fill skills shortages. However, this objective must be balanced by the need to ensure that there are no suitably qualified Irish/EEA nationals available to undertake the work and that the shortage is a genuine one.

* Occupations included on the **HSEOL** are highly skilled occupations which are experiencing labour or skill shortages in respect of qualifications, experience or skills and which are required for the proper functioning of the Irish economy.
* Occupations **not** included on either the HSEOL or the ICEL, where an employer cannot find a worker, are considered eligible occupations for an employment permit, subject to criteria, but are not eligible for Critical Skills Employment Permits.
* Occupations included on the **ICEL** are occupations in respect of which there is evidence that there are more than enough Irish/EEA workers available to fill such vacancies, and therefore an employment permit shall not be granted in Ireland.

## 1.3 Review of the HSEOL and ICEL

In order to maintain the relevance of these lists of occupations to the needs of the economy and to ensure the employment permits system is aligned with current labour market intelligence, a bi-annual review process is applied. The rationale underpinning the inclusion on or omission from the lists of any particular occupation is driven by skills demands in the economy, and is based on, in the first instance, research undertaken by the Expert Group on Future Skills Needs (EGFSN), plus labour market intelligence outlined in the annual *National Skills Bulletin* and the *Vacancy Overview Report* and input by relevant Government Departments, education outputs and sectoral upskilling and training initiatives and any known contextual factors (e.g., planned expansions in sectors, if known).

An occupation may be considered for inclusion on the HSEOL or removal from the ICEL provided that:

* There are no suitable Irish/EEA nationals available to undertake the work;
* Development opportunities for Irish/EEA nationals are not undermined;
* Genuine skills shortage exists and that it is not a recruitment or retention problem;
* The Government education, training, employment and economic development policies are supported;
* The skill shortage exists across the occupation, despite attempts by industry to train and attract Irish/EEA nationals to available jobs.

The current lists, effective from 21st May 2018, can be found at [dbei.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/Employment-Permit-Eligibility/](https://dbei.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/Employment-Permit-Eligibility/)

Parties considering making submissions to the review process should be aware that a range of criteria in addition to the eligibility of an occupation apply to the grant of employment permits. The criteria vary according to the type of employment permit application which is submitted. An elaboration of the policy underpinnings of the employment permits system is set out at: [dbei.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/Employment-Permit-Policy/](https://dbei.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/Employment-Permit-Policy/)

2. Review of the Highly Skilled Eligible Occupations List (HSEOL) and the Ineligible Categories of Employment List (ICEL), Quarter 4 2018

The Economic Migration Policy Unit of the Department of Business, Enterprise and Innovation now invites submissions from representative bodies, Government Departments, Agencies, and other interested parties to a public consultation on the review of the Highly Skilled Eligible Occupations Lists (HSEOL) and the Ineligible Categories of Employment List (ICEL).

If you feel that there is a skills deficit or surplus relating to occupations in your sector, you are invited, either through your industry representative or directly, to make a submission with your observations. The submission process is an opportunity for stakeholders to provide additional information and potentially different perspectives on the nature and extent of skill shortages. Stakeholder submissions are a vital source of information, helping inform the Department’s final assessment of the status of occupations.

The information you provide is important to our assessment process. You are encouraged to be as specific and detailed as possible when providing information. For example, you may have other evidence or data, e.g. industry surveys or reports. We are also interested in any other factors that you consider are appropriate to add or remove an occupation from the lists for example, you may have information on recruitment and retention difficulties or changes in relevant training.

**Submissions will only be accepted using this form and the closing date for submissions is 5pm, Friday 2nd November 2018** which will be strictly applied. Submissions received by close of business on this date will be considered as part of the review process.

Respondents are requested to make their submissions by email to empu@dbei.gov.ie and to ensure that an appropriate email contact is included for any response.

Respondents are advised that copies of submissions will be forwarded to the relevant lead Government Departments for their sector and their guidance/input sought in respect of those submissions. Economic Migration Policy Unit will also undertake any necessary follow up with submitters and consultation with Government Departments/State Bodies and industry groups. This review process will involve consultation with an Interdepartmental Group (IDG) chaired by the Department of Business, Enterprise & Innovation with membership drawn from senior officials of key Government Departments and offices. At the end of the consultation process the Department will make recommendations to the Minister for Business, Enterprise and Innovation. Changes to the lists approved by the Minister will then be given legal effect by way of a statutory instrument.

# 2.1 Publication of Submissions and Freedom of Information

Please note that the information provided in the submission form will be shared with relevant Government Departments and State organisations. This is to promote an integrated approach to addressing skills shortages in the State. The Department will also publish on its website all submissions received under this consultation. However, if you wish to submit information that you consider commercially sensitive, please identify that information in your submission and give reasons for considering it commercially sensitive. The Department will consult with you regarding such information before making a decision to disclose it. Any personal information, which you volunteer to this Department, will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Acts 1988 and 2003.

**The information you provide below is important to the review process. You are encouraged to be as specific and detailed as possible when providing information. Thank you for your participation.**

1. Who is this submission made by?

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| 1. Provide name of individual, firm or organisation:
2. Provide contact details, including email for reply:
3. Date of submission:
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1. Overview of your firm/organisation:

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| Please describe the main activity, sector and characteristics of the organisation making the submission *[not required for Government Department/State Bodies]* |

1. What occupation does this submission refer to?

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| Occupation titleWhat status do you propose for this occupation?For inclusion on HSEOL For removal from HSEOL For inclusion on ICEL For removal from ICEL \*Tick one option as appropriate |

1. Overview of your Sector

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| If a representative body, please provide an overview of your sector, including importance to the economy; recent and projected growth of the sector; national or sectoral strategies/actions; employment numbers/types of occupations in the sector: |

1. Overview of the challenges faced by your firm/organisation/sector:

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| Please provide an overview of the challenges faced: labour shortages; consequences for your organisation/the sector if labour demands are not achieved: |

1. Reasons for proposed change of status:

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1. Training and industry initiatives

The Department must be satisfied that the industry is committed to fully utilising the domestic/ EEA labour market before industry considers employing non-EEA nationals. Your submission should include information on any demonstrated industry commitment to training and industry initiatives to enhance domestic/EEA recruitment that you are aware of, specifically:

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| To your knowledge, what steps are being taken by industry and employers in the short term and long term to address this shortage?  |
| Are you aware of initiatives by the sector to upskill the resident population or plans by industry representatives to engage with education and training providers in ensuring that the sector's skills needs are met? |
| Are you aware of the education and training initiatives and programmes that currently exist? If yes, why is the graduate output not sufficient to meet your sector’s needs eg quality of graduates? quantity? geographic mobility? |
| Does your industry have an agreed skills plan? ie a plan for upskilling the current workforce and or potential workforce? If yes, describe the expected outcomes of the plan. If no, what plans are in place to develop one and within what timeframe? |
| Are you aware of measures taken by the sector to avail of the Department of Social Protection’s Employer Engagement Team to source qualified job seekers? If yes, please explain. Also please explain efforts made to recruit qualified EEA job seekers using for example Eures, Jobs Fairs, industry associations abroad, Jobs Ireland, etc.  |

1. Labour market conditions

The Department must be satisfied that industry is committed to meeting its labour needs from the resident and EEA labour market, and that recourse to the recruitment of foreign nationals is only undertaken where a genuine skills shortage exists, rather than other factors relating to the conditions of the employment which should be addressed through means other than economic migration. Please provide any general information that you feel is pertinent in relation to your industry, e.g. wage ranges for occupations where shortages occur, whether the perceived shortage is general to the occupation or only occurs at specific levels of experience, or for very specific expertise.

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1. Wider economic factors

Wider economic factors may have an influence on occupational shortages. For example are there reasons associated with productivity, innovation or competitiveness that you think the Department should take into consideration? Please provide evidence.

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1. Consultation

Have you consulted with, or are you aware if there has been any consultation with, your industry representative body on this issue?

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1. Engagement with lead Government Department

Have you engaged with the lead Government Department for your sector, on this issue?

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*Economic Migration Policy Unit*

**An Roinn Gnó, Fiontar agus Nuálaíochta**

Department of Business, Enterprise and Innovation

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