

Submission 1

1. TerraAlto Ltd.

Question 1

What are your views on the role, relevance and value of the 50:50 rule and LMNT and which are provided for in primary legislation?

I strongly support the 50:50 and LMNT rules.

I think however one of significant threats to safeguarding employment opportunities for Irish/EEA Nationals, is the provision that allows students in English colleges to work up to 20 hours per week. We are I believe one of if not the only English speaking country that allows this. It leads to a shortage of employment opportunities in the hospitality and part-time/casual employment areas, along with a downgrading of overall conditions.

Question 2.1

An improving domestic and EEA labour market has an impact on job seekers choices. What are your views on making the employment permit regime less restrictive where the labour market is tightening or at full employment?

Question 2.2

While EU-level analysis shows that Ireland is ahead of most EU member states in terms of linking market intelligence to labour migration policy, can the review of lists process described above be improved upon? How?

Question 2.3

Should a business case for removing an employment from the ineligible list require that evidence must be provided by the relevant lead Department of efforts by the sector to (a) develop industry led models for improving the skills and productivity of the workforce; (b) to maximise opportunities for unemployed people; and (c) to address attraction and retention issues?

2.1 I don't agree with making it less restrictive in general. I do however think a demonstrated work history and experience in the IT sector should be equivalent to the current Degree/Masters requirement. Our experience on the ground is many of our best technical people have acquired their knowledge in the 'field' and not the classroom.

2.2 No input

2.3 Strongly in favour. At least as much focus should be on building skillsets internally, as facilitating obtaining candidates from externally.

Question 3.1
This principle is primarily focused on the *Critical Skills Employment Permit* which is designed to attract highly skilled and experienced personnel who can seamlessly fill short term skills gaps in the domestic labour market. Do you have you any observations on this principle, permit type and remuneration threshold?

Again I suggest recognition of work history should be given, as alternate to Degree/Master in relevant discipline.

Question 4.1
Should the employment permits system give preference to sectors, occupations or occupations within sectors?

Question 4.2
Should submissions for removal of occupations from the ineligible list include uptodate CSO data on GDP and employment growth for relevant sectors?

Question 4.3
Can you recommend any other verifiable data/evidence?

Question 4.4
Work is being led by DBEI to ensure sectors for future growth potential can be identified and anticipated. How do we factor some level of future proofing to ensure the regime can remain relevant in the fast moving, globalised and technically innovative enterprise environment?

4.1 Give preference to occupations... as the digital age progresses many occupations where skills are in short supply are required in all or many sectors.

4.2 Possibly but with sanity check on relevance to on the ground experience.

4.3 Wage inflation for specific roles should be a good indicator but only if there is the capability to react in shorter cycles ... months rather than years.

4.4 Basing on current numbers is a starting point, but a poor decision making criteria for where future needs will be. This requires a less statistically and more holistic knowledge of what are the trends and emerging opportunities.

Question 5.1

How can we ensure judicious use of the employment permit regime in respect of low skilled workers? For example, where employments are removed from the ineligible list should they be subject to a maximum quota? If yes, what factors should be taken into account in determining an appropriate quota on an evidential basis?

Question 5.2

While a short-term gap may need to be met, what about the longer-term impact in cyclical sectors? Should time limits be applied in respect of permits granted to low skilled workers?

5.1 Again I think the biggest issue in this area is the part-time work entitlement of students in English colleges. Also a significant factor in housing crisis. We are the only English speaking country currently where that is possible.

5.2 I think the long-term impact is significant and also the unintended dependency of businesses on this source of labor, means there is less motivation to train and retain employees locally.

Question 6.1

What are your views on the remuneration as provided for in law?

Question 6.2

Do you have any views on these permit types, in particular the timeframe for which these permits can issue and the remuneration thresholds?

Question 6.3

What should the minimum threshold for low skilled workers in occupations removed from the ineligible list be set at?

Question 6.4

How do we mitigate against unnecessary shocks to the labour market or deflationary pressure on wages?

Question 6.5

Low wage jobs may yield income below threshold for social transfers eg medical card, rent supplement, FIS (from 2018, Working Family Payment), and local authority housing. Should the remuneration threshold be set at a level which ensures the migrant can meet their (and family) basic social care needs without recourse to the State's resources?

Question 6.6

How can we ensure that a lower threshold would be deployed only in circumstances where there is evidence of a labour shortage? Should the negotiation of the grant of employment permits at a lower remuneration threshold be led by representatives of the State that have expertise in the specific sector?

6.1 CESP ... 30K to low and 60K to high.

6.2 No.

6.3 35000

6.4 No

6.5 Yes

6.6 Yes

Question 7.1

Do you have any views on the arrangements in place to protect the employment rights of employment permit holders?

Strongly support employment rights protection for all employees.

Question 8.1

What is your view and would you recommend amendments to the 2006 Act as amended to provide for more flexibility in the medium-longer term?

Question 8.2

Do you have any views on the EPOS and any recommendations to improve?

8.1 Yes to change outdated aspects such as newspaper advertisement.

8.3 EPOS is excellent and very efficient.

Economic Migration Policy Unit

21 March 2018

Submission 2

Farm Relief Services (FRS) Submission to the Consultation on Proposed Guiding Principles to frame the State's Economic Migration Policy

Submitted to the Department of Business, Enterprise and Innovation

April 2018



Background

FRS, a farmer-owned co-operative, has been involved in the provision of skilled labour and specialist services to farmers in Ireland since 1980. The main market served is family-run dairy farms with high seasonal demand in Spring and early Summer. The structure of farming has changed drastically over the past 40 years with farms becoming larger and more specialised. The abolition of milk quotas in 2015 has seen a surge in cow numbers by some 25% which brings an additional seasonal workload. The availability of labour and the profile of prospective candidates has changed much in this time also as less and less suitable candidates live and work in rural areas and levels of educational attainment have risen steadily and alternative sources of year-round employment are much more abundant. FRS mainly employs Irish staff, many of whom are part-time farmers or early career farmers who work alongside a parent or sibling on a home farm. This traditional pool of operators has been declining in recent years and FRS has worked through previous work permit arrangements to bring in people from other countries. In the last year FRS has set up working holiday exchange programmes with countries like New Zealand which work well with opposite peak seasons, transferable skills, common language and mutual learning. FRS has advertised extensively in Europe through Eures and social media campaigns. These initiatives, though helpful still do not meet the current and expected demand. Between now and 2025 Teagasc estimate that there will be a demand for 6000 people to succeed retirees and to work on Irish dairy farms.

Nature of the Work

Ireland has a distinct advantage in having a climate which is ideal for growing grass very competitively and for an extended season, this makes Irish milk cleaner, greener and more competitive on world markets. In order for Irish dairy farms to maximise efficiency they must aim to have the maximum number of cows calving in the shortest timeframe to be ready to produce milk from grass. This leads to huge workloads in the springtime with tight calving patterns compacted into 10 to 12 weeks, alongside calf rearing and early grassland management. This means that a farm needing only 1.1 or 1.2 FTEs on average across a calendar year on paper in fact needs 2 people for this high pressure period (see fig 1 on the Irish seasonal milk supply curve in appendices). Many farms now fall into this category of 1 to 2 labour units with a high intensity period in the spring with knock on effects of fatigue, health and safety and reduced output for farmers without access to sufficient labour. Traditionally, land and capital were the biggest limitations to expansion but access to labour has now come to the forefront. If a coherent strategy is not put in place to manage peak seasonal labour demand Ireland's ability to expand dairy output, producing a world-beating export-led product will be curtailed.

In addition to working alongside farmers on family-run farms there is demand for people to work on farms where the farmer needs to take time off due to accident/injury, illness or for holidays.

Preferred Candidate Profiles

All of the work requires a strong command of English and at least some experience with working with bovines and agricultural machinery and equipment. Ideally, candidates should have specialist dairy experience especially in milking and calf-rearing as well as safe and effective machinery operation. A formal third-level qualification is a distinct advantage. Modern dairy farms are not safe places for people who are inexperienced or have poor language skills. In the ideal scenario,

experienced candidates would work (and often live) on farms for the first half of the year and return annually – this would enable the industry to invest more in training and build up expertise, trust and relationships with returning operators.

Ensuring Worker Welfare

FRS is uniquely placed in having a network of local offices nationwide and has dedicated development officers who vet farms for suitability in terms of health and safety and accommodation where relevant. Our development officers are in constant contact with farmers and operators to ensure that placements run smoothly and that terms and conditions are adhered to in full.

Other initiatives involving FRS

FRS has explored many alternatives and already runs a number of initiatives including:

- A structured trainee-operator scheme aimed at those living rurally with and without requisite skills, the scheme has three main targets – the unemployed, women in agriculture and part-time/beef farmers. Numbers participating are low.
- A mutual agreement with a partner organisation in New Zealand to send young people to both countries at times of peak seasonal demand under working holiday arrangements. The visa is for one year only and is not repeatable. Numbers are relatively low so far.
- Fledgling agreement with Eastern European universities to take recent agriculture graduates with good language skills – numbers are limited but experience is positive.
- Ongoing advertising throughout Europe – a recent social media campaign targeted towards eastern Europe yielded over 40 responses but virtually none had the language skills and very few had any experience of working with livestock – the end result was no viable candidate.
- FRS has contributed to external initiatives such as the ‘People in Dairy’ industry forum chaired by retired Department of Agriculture, Food and Marine Secretary General, Tom Moran. A report with suggested actions from the group is imminent.

FRS Proposal:

- 1. To consider repeatable, end-dated, seasonal employment permits specifically for the dairy industry. Consideration should be given to countries with transferable skills, language and either a complimentary/opposite peak season or a flat production curve through indoor or confinement dairy production systems in the host country.*
- 2. To consider repeatable exchange permits for a minimum of 2 successive years to maximise learnings and to foster long-term ties with universities and individuals which will not only give an immediate skills benefit to both parties but may have positive knock-on trade advantages in the future.*

These proposals will help dairy farmers to deal with seasonal peak demand in a predictable manner which will not displace Irish/EEA job applicants as the positions are open and unfilled. These are additional seasonal roles which will allow Irish farmers to expand to their full potential, protecting and growing higher value jobs downstream in production and protecting and growing Irish value-added dairy exports.

Replies to Questions Raised in Request for Submissions

Question 1

What are your views on the role, relevance and value of the 50:50 rule and LMNT and which are provided for in primary legislation?

In terms of the 50:50 rule, FRS would have no difficulty in fulfilling that requirement due to the high number of Irish and EEA nationals employed provided that the permit would issue in the name of FRS rather than individual farmers who would be unable to meet the 50:50 rule at individual farm level. The Labour Market Needs Test can be skewed by applications from people who do not possess either the language or skills capability required and also with applications from individuals who may be applying for the wrong reasons – such as to prove recent job-seeking activity to protect welfare entitlements.

Question 2.1

An improving domestic and EEA labour market has an impact on job seekers choices. What are your views on making the employment permit regime less restrictive where the labour market is tightening or at full employment?

FRS has no issue with lessening or increasing employment permit restrictions in line with economic cycles so long as the individual needs of specific sectors are taken into account. The specific labour needs of a seasonal business-like grass-based milk production will not be met by higher unemployment figures in Ireland/EEA resulting from troughs in the economic cycle – it is more systemic.

Question 2.2

While EU-level analysis shows that Ireland is ahead of most EU member states in terms of linking market intelligence to labour migration policy, can the review of lists process described above be improved upon? How?

More regular structured communications in public consultation particularly on an interdepartmental basis as is happening at present but also in inviting key industry stakeholders to regularly contribute in a structured way.

Question 2.3

Should a business case for removing an employment from the ineligible list require that evidence must be provided by the relevant lead Department of efforts by the sector to (a) develop industry led models for improving the skills and productivity of the workforce; (b) to maximise opportunities for unemployed people; and (c) to address attraction and retention issues?

Yes to all three sub-questions and all three are and have been tackled in the dairy industry.

Question 3.1

This principle is primarily focused on the *Critical Skills Employment Permit* which is designed to attract highly skilled and experienced personnel who can seamlessly fill short term skills gaps in the domestic labour market. Do you have any observations on this principle, permit type and remuneration threshold?

There has been no recognition so far of annual seasonal skills shortages.

Question 4.1

Should the employment permits system give preference to sectors, occupations or occupations within sectors? Yes, in consultation with industry stakeholders.

Question 4.2

Should submissions for removal of occupations from the ineligible list include up to date CSO data on GDP and employment growth for relevant sectors? While macro information is useful, employment growth in a sector may not be reflective of the true position – for instance the dairy sector also supports processing, transport, logistics, support services and sales and marketing employment on a year-round basis whereas at farm level both scale and seasonality will not support year-round employment.

Question 4.3

Can you recommend any other verifiable data/evidence? Up to date Teagasc research such as the link below, detailed CSO, Revenue, ESRI and Department of Social Protection statistics, independent surveys such as the recent one commissioned by Dairygold co-operative (link also provided below).

<https://www.teagasc.ie/media/website/publications/2017/The-People-in-Dairy-Project.pdf>

<https://www.dairygold.ie/blog/dairygold-survey-reveals-labour-shortage-significant-constraint-dairy-farm-expansion/>

Question 4.4

Work is being led by DBEI to ensure sectors for future growth potential can be identified and anticipated. How do we factor some level of future proofing to ensure the regime can remain relevant in the fast moving, globalised and technically innovative enterprise environment? Consultation with industry experts on future sector patterns and scenario planning.

Question 5.1

How can we ensure judicious use of the employment permit regime in respect of low skilled workers? For example, where employments are removed from the ineligible list should they be subject to a maximum quota? If yes, what factors should be taken into account in determining an appropriate quota on an evidential basis?

Yes, backed up with examples of live, open and advertised vacancies and independently verifiable industry research and consultation with industry representatives and stakeholders.

Question 5.2

While a short-term gap may need to be met, what about the longer-term impact in cyclical sectors? Should time limits be applied in respect of permits granted to low skilled workers?

Special consideration should be given to seasonal specialist vacancies such as in the dairy sector where structural deficits mean that attractiveness of the career is affected by seasonality and scale.

Question 6.1

What are your views on the remuneration as provided for in law?

Should be index-linked and industry-specific.

Question 6.2

Do you have any views on these permit types, in particular the timeframe for which these permits can issue and the remuneration thresholds?

Internship/Exchange permits should be renewable for at least one further year/occasion to allow for better learning opportunities. The remuneration threshold should be in line with industry norms and updated regularly supported by evidential data and should be pro-rata for seasonal work.

Question 6.3

What should the minimum threshold for low skilled workers in occupations removed from the ineligible list be set at?

Question 6.4

How do we mitigate against unnecessary shocks to the labour market or deflationary pressure on wages?

Quotas matched to proven demand.

Question 6.5

Low wage jobs may yield income below threshold for social transfers eg medical card, rent supplement, FIS (from 2018, Working Family Payment), and local authority housing. Should the remuneration threshold be set at a level which ensures the migrant can meet their (and family) basic social care needs without recourse to the State's resources?

Seasonal permits which are end-dated and renewable annually for the dairy industry will mitigate against the risk of accumulation of entitlement. Seasonality would mean that families would not be relocating.

Question 6.6

How can we ensure that a lower threshold would be deployed only in circumstances where there is evidence of a labour shortage? Should the negotiation of the grant of employment permits at a lower remuneration threshold be led by representatives of the State that have expertise in the specific sector?

Yes with contributions from independent industry experts and stakeholder consultation.

Question 8.1

What is your view and would you recommend amendments to the 2006 Act as amended to provide for more flexibility in the medium-longer term?

Provision for industry-specific repeatable seasonal permits.

Question 8.2

Do you have any views on the EPOS and any recommendations to improve?

No experience of using EPOS

Appendices – Supporting Data

**Irish Milk Production
2014 to date**

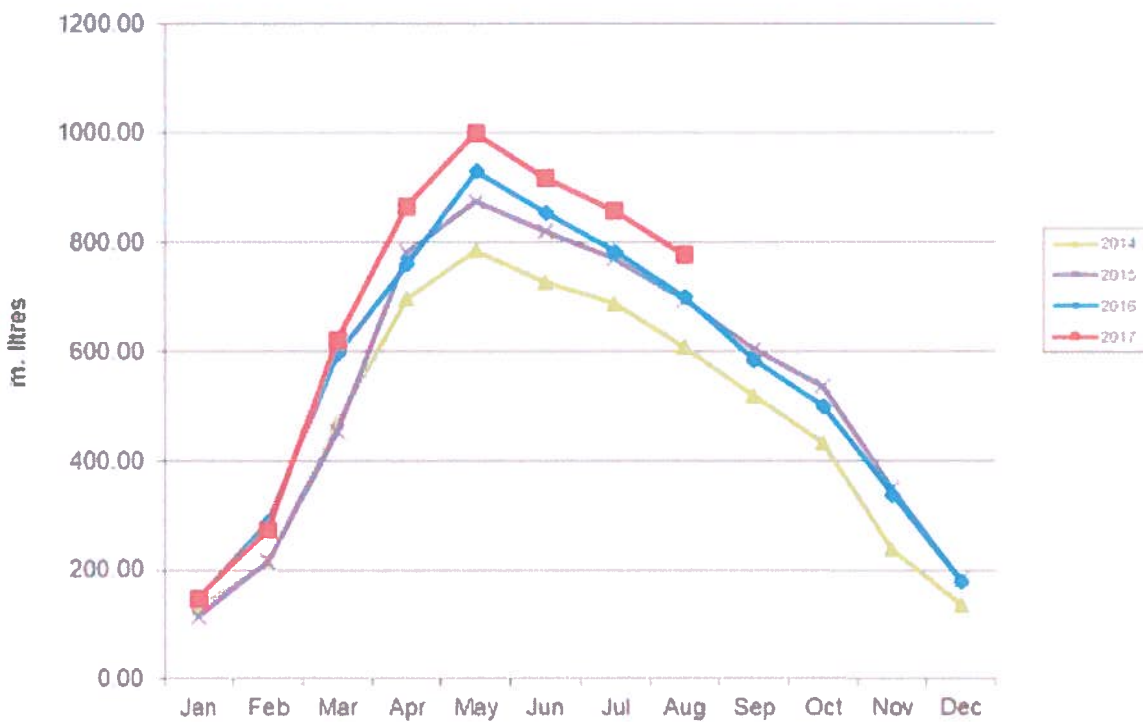


Figure 1 Milk Production Curve Ireland 2014-17, Source: IFA, 2017

Teagasc report on dairy farm labour input:

<https://www.teagasc.ie/media/website/publications/2017/The-People-in-Dairy-Project.pdf>

<p>Strengths</p> <ul style="list-style-type: none"> • Grass reared, welfare friendly production system • Specialist suckler beef production • Cattle and beef traceability systems • Credible and sustainable quality assurance scheme • High penetration of high-end retail outlets across the EU • Strong reputation in traditional markets • Capacity and capability to meet demand 	<p>Weaknesses</p> <ul style="list-style-type: none"> • Land transfer, mobility and structural issues • Low profitability at farm level and dependence on direct payments • Skill gaps at all levels of the supply chain • National cost competitiveness, especially utilities and labour • Lack of scale across the sector combined with demographic factors • Dependency on the UK market while the reputation of Irish beef is less well known in new and developing markets
<p>Opportunities</p> <ul style="list-style-type: none"> • Global growth in protein demand • Developing a brand image for Irish beef based on superior attributes to secure additional markets and price premiums • Building Ireland's reputation for beef production in new markets (USA, Africa and Asian markets, particularly China) which can absorb any increased production • Use of genomics, breeding indices and sexed semen to improve beef quality output from the dairy herd and technical efficiencies in the suckler herd • Potential markets for niche high grade products • Fifth quarter and meat by-products 	<p>Threats</p> <ul style="list-style-type: none"> • Impact of animal disease incident • Food safety incident • Health image of beef products • Raw material supply changes linked to dairy expansion • Failure to adopt carbon efficient practices • Potential negative impacts of trade deals • Future CAP reform

Figure 2 SWOT Analysis listing skills shortage as a weakness of the Irish dairy industry. Source: 'Foodwise 2025', DAFM

Show Table: Table 4.8 Family and regular non-family workers (persons and AWU) classified by farm type on all farms - 2013

Table 4.8 Family and regular non-family workers (persons and AWU)¹, classified by farm type² on all farms³ - 2013 (000)

Characteristics of holder	Farm type								
	Specialist allage	Specialist dairying	Specialist beef production	Specialist sheep	Fixed grazing pasture	Fixed grazing crops and pasture	Fixed field crops	Other	Total
Family workers									
Holders									
Holders No. (Persons)	5.2	15.0	78.6	15.0	13.1	2.6	7.9	1.2	139.1
Holders Annual Work Units (AWU)	31.6	111.6	57.3	10.0	10.1	2.2	1.7	0.9	102.6
Other family									
Holders									
Holders No. (Persons)	4.0	16.0	87.5	9.9	11.4	2.0	4.7	1.2	119.2
Holders Annual Work Units (AWU)	1.7	16.7	25.0	4.0	5.0	1.0	1.8	0.6	47.9
Total family workers									
Holders									
Holders No. (Persons)	9.2	31.6	166.1	24.9	24.5	4.6	12.6	2.4	258.3
Holders Annual Work Units (AWU)	5.3	128.3	82.3	14.0	15.1	3.2	3.5	1.5	150.5
Regular non-family workers									
Holders									
Holders No. (Persons)	1.5	3.1	7.4	1.2	1.0	0.5	0.8	0.2	17.2
Holders Annual Work Units (AWU)	1.1	2.1	3.9	0.6	1.1	0.3	0.4	0.2	10.1
Total									
Holders									
Holders No. (Persons)	10.7	34.9	173.5	26.1	25.5	5.1	13.4	2.6	275.5
Holders Annual Work Units (AWU)	6.4	130.4	86.2	14.6	16.2	3.5	3.9	1.7	160.6
Total Farms³									
	5.3	15.6	78.8	15.0	13.1	2.6	7.9	1.2	139.6
Average per Farm									
Persons	2.0	2.4	1.9	1.7	2.0	2.1	1.7	2.5	1.9
Annual Work Units (AWU)	1.3	1.7	1.3	0.9	1.2	1.4	0.7	1.3	1.1

¹ One annual work unit = 1,000 hours or more of labour input per person per annum

² For more information on farm type see background notes

³ Both family farms and commercial farms are included in this table. All persons working on commercial farms are classified as regular non-family workers

Open in Excel: [Farm Structure Survey 2013 Table 4.8 \(XLS, 13KB\)](#)

Figure 3 Table showing the dairy sector as having by far the highest labour input at farm level. Source: CSO, 2013

Submission 3

Consultation on Proposed Guiding Principles to frame the State's Economic Migration Policy

Guiding Principles to frame the State's Economic Migration Policy

The State's Employment Permits System should help meet, in the short term, the sustainable demand for skills and labour in key growth sectors in the Irish economy without disrupting the Irish labour market.

Question 1

What are your views on the role, relevance and value of the 50:50 rule and LMNT and which are provided for in primary legislation?

This rule causes severe difficulty when the domestic market does not provide the required applicants due to the unique nature of a particular profession such as Chiropractic in Ireland.

Question 2.1

An improving domestic and EEA labour market has an impact on job seekers choices. What are your views on making the employment permit regime less restrictive where the labour market is tightening or at full employment?

The particular aspect that is causing difficulty for the Chiropractic profession in Ireland is its lack of inclusion on the HSEOL and the then forced adherence to rules that apply for situations where the domestic sector can provide applicants. This is due to the unique nature of the profession, the training involved and the shortage of native Chiropractors and the lack of a training facility in Ireland. Thus, an inclusion on the HSEOL is essential for allowing the profession to continue successfully here.

Question 2.2

While EU-level analysis shows that Ireland is ahead of most EU member states in terms of linking market intelligence to labour migration policy, can the review of lists process described above be improved upon? How?

In the case of Chiropractic, policies that may well be appropriate for other sectors are causing difficulty. Listening to our issues and subsequent changes after this consultation process and inclusion of Chiropractic on the HSEOL will resolve this.

Question 2.3

Should a business case for removing an employment from the ineligible list require that evidence must be provided by the relevant lead Department of efforts by the sector to (a) develop industry led models for improving the skills and productivity of the workforce; (b) to maximise opportunities for unemployed people; and (c) to address attraction and retention issues?

This is dependent on the particular nature of the profession or sector. A ruling cannot overlook the necessary inclusion of a profession with a view for example to encouraging native employment, when native employment is not an option or only a very limited option.

Question 3.1

This principle is primarily focused on the *Critical Skills Employment Permit* which is designed to attract highly skilled and experienced personnel who can seamlessly fill short term skills gaps in the domestic labour market. Do you have you any observations on this principle, permit type and remuneration threshold?

The occupation of Chiropractor has been deemed an ineligible profession for critical skills work permits, and removed from the HSEOL. A number of members requiring additional chiropractors have been told they cannot apply for a critical skills work permit for potential staff, and thus employees have severe issues when trying to come to work in Ireland with their families etc.

In previous consultation with the Work Permit department we have been told the decision to remove Chiropractors from the eligible work permit list was based on research by the Expert Group on Future Skills Needs. We have looked at the Expert Group on Future Skills Needs and this labour market demand analysis comes from work done by a body called Solas. See the most up to date analysis at this link <http://lmi.solas.ie/chart.aspx?bc=29>

[SOLAS Labour Market Information](#)

lmi.solas.ie

'Comments. Shortages continue to persist for radiographers (clinical specialists; MRI and CT radiographers) and niche area specialists (radiation therapists and ...'

It appears there is no actual analysis of the occupation Chiropractor separate from the other professions. It has been stated there is no skills shortage for the grouping 'Occupational & other therapy professionals'. However this assessment is based on a crude analysis of the category overall and not individual professions.

Please see below the reasons why Chiropractic Association of Ireland member Chiropractors should be moved from the General Work Permit and placed on the Highly Skilled List HSEOL:

- The Chiropractic Association of Ireland is the regulatory body for Chiropractors in Ireland. It is a requirement that a work permit applicant must meet the Chiropractic Association of Ireland qualification criteria and be a member of the association. Applicants to the Association need to be graduates of accredited Chiropractic Institutions. The accreditation organisations that the CAI accepts are: European Council of Chiropractic Education, Council on Chiropractic Education Council on Chiropractic Education International and the Council on Chiropractic Education Australasian.*

- There are no graduates of Chiropractic from any Irish higher education institute as there is no course available to study.*

There is only a pool of approximately 100 Chiropractic Association of Ireland members residing in Ireland that are eligible to apply for a position in a Chiropractic Association of Ireland member practice. These are currently all employed.

- There is a severe shortage of eligible chiropractors wanting to work in Ireland.*

Our Association holds strict vetting standards. All of our members have gone through rigorous medical education and rigorous CMEs, demonstrating that Chiropractic is a 'Highly Skilled' Profession. Due to the level of years of education, most of our members would be in a stage of their lives where they would have families, thus not being able to bring their families with them would prevent them from accepting positions available, thus contributing to the shortage of Chiropractors here in Ireland.

- Qualified chiropractors looking for work in Ireland will only advertise on the Chiropractic Association of Ireland website and nowhere else.*

- There are currently no Irish or EEA qualified chiropractors advertising on the Chiropractic Association of Ireland website seeking full-time work.*

- If there are unemployed Irish or EEA Chiropractors with the required skills the Chiropractic Association of Ireland have found no evidence of them wanting to work in Ireland.*

- Chiropractic Association of Ireland members who are also employers are unable to fill vacancies from within the EEA and are now faced with serious operational difficulties.*

- Chiropractors that are currently on work permits could potentially be denied renewals and there have possibly been members already denied renewal. Again this is putting jobs and businesses in serious jeopardy.*

Many Chiropractic Association of Ireland members employ administrative staff on a 1:3 ratio. By employing another chiropractor it could result in the creation of additional administrative posts for Irish and other EEA citizens, thus having more Chiropractors in Ireland reduces the unemployment rate and grows the economy.

England has 1 Chiropractor per 12,045 individuals.

United States has 1 Chiropractor per 7,335 individuals.

Canada has 1 Chiropractor per 4,320 individuals.

Ireland has 1 Chiropractor per 43,390 individuals.

- *As stated before, there is no Chiropractic college in Ireland and this causes a shortage of Chiropractors due to a lack of recruitment. We must be able to recruit outside of the country and even more importantly to non-EEA countries. There is a surplus in their workforce and thus can provide the Irish sector with eligible clients*

From the 111 members listed only 59 are listed as original nationality Irish and only 14 more have an EEA origin. However 2 of that 59 are currently on leave from the profession. That means currently 34, or more than one-third of members originate from outside the EEA region. We are currently able to recruit Chiropractors from outside the EEA, but they are not allowed to bring their families over for a year, under the General Work Permit rules. Further we have to advertise the position in the local papers to see if any Irish or EEA Chiropractors would apply (Labour Market Needs Test), which make the process slower and increases the costs. Chiropractic positions are typically posted on the CAI website which is where Chiropractors go to find positions in Ireland.

It is potentially possible given the current rules that we could lose one third of our Chiropractors when they attempt to seek a renewal from your department. That is an unacceptable position and needs to please be amended immediately.

This is a very urgent matter that is affecting the whole profession in this country. The changes we request on behalf of the Chiropractic Association of Ireland as mentioned above, is to remove us from the General Work Permit List and place our profession on the Highly Skilled/Critical Skills List to help prevent being in a position of shortage in Ireland. These changes need to apply to both new work permits and renewals.

There is no current Chiropractic college in Ireland so recruitment for jobs must be made outside of the country. While current standards focus recruiting just on EEA nationals, there is a shortage of Chiropractors in Ireland as a result. By expanding to the HSEOL, we would be able to expand the job recruitment to nations that have an exceptional source of highly skilled and educated Chiropractors (i.e. Canada and the United States). Ideally just recruiting EEA nationals would be enough but we must expand in order to not have a shortage of Chiropractors in Ireland.

Question 4.1

Should the employment permits system give preference to sectors, occupations or occupations within sectors?

If a profession fits as a critical skill then yes it is essential that preference be given to the appropriate and relevant sectors or professions.

Question 4.2

Should submissions for removal of occupations from the ineligible list include up to date CSO data on GDP and employment growth for relevant sectors?

Yes, it would make sense if it does but there may be times when this is not of relevance, and a blind adherence to certain criteria without a more joined up thinking approach may be problematic.

Question 4.3

Can you recommend any other verifiable data/evidence?

Consultation with professional bodies such as the CAI (Chiropractic Association of Ireland) and the data they have to hand would be invaluable.

Question 4.4

Work is being led by DBEI to ensure sectors for future growth potential can be identified and anticipated. How do we factor some level of future proofing to ensure the regime can remain relevant in the fast moving, globalised and technically innovative enterprise environment?

Being open to communication with the relevant sectors without simply a blind adherence to pre-set rules would be best.

Question 5.1

How can we ensure judicious use of the employment permit regime in respect of low skilled workers? For example, where employments are removed from the ineligible list should they be subject to a maximum quota? If yes, what factors should be taken into account in determining an appropriate quota on an evidential basis?

This should not be the role of this system, employee rights are a separate issue and one set ruling on permit quotas does not allow then for a genuine need for additional workers.

Question 5.2

While a short-term gap may need to be met, what about the longer-term impact in cyclical sectors? Should time limits be applied in respect of permits granted to low skilled workers?

Should an employer be able to demonstrate a genuine need a time limit does not make sense.

Question 6.1

What are your views on the remuneration as provided for in law?

While not of relevance as such to the Chiropractic profession, the laws appear adequate in this area.

Question 6.2

Do you have any views on these permit types, in particular the timeframe for which these permits can issue and the remuneration thresholds?

No.

Question 6.3

What should the minimum threshold for low skilled workers in occupations removed from the ineligible list be set at?

We do not have a particular viewpoint on this matter.

Question 6.4

How do we mitigate against unnecessary shocks to the labour market or deflationary pressure on wages?

We do not have a particular viewpoint on this matter.

Question 6.5

Low wage jobs may yield income below threshold for social transfers eg medical card, rent supplement, FIS (from 2018, Working Family Payment), and local authority housing. Should the remuneration threshold be set at a level which ensures the migrant can meet their (and family) basic social care needs without recourse to the State's resources?

No

Question 6.6

How can we ensure that a lower threshold would be deployed only in circumstances where there is evidence of a labour shortage? Should the negotiation of the grant of employment permits at a lower remuneration threshold be led by representatives of the State that have expertise in the specific sector?

We do not have a particular viewpoint on this matter.

Question 7.1

Do you have any views on the arrangements in place to protect the employment rights of employment permit holders?

These appear adequate.

Question 8.1

What is your view and would you recommend amendments to the 2006 Act as amended to provide for more flexibility in the medium-longer term?

Yes, strict adherence to issues such as exclusion from the HSEOL is causing a huge issue. The DBEI needs to be open to appropriate and relevant input and suggestions from involved sectors

Question 8.2

Do you have any views on the EPOS and any recommendations to improve?

We do not have a particular viewpoint on this matter.

When making your submission please provide the following information:

a. Name of individual, firm or organisation

Chiropractic Association of Ireland

39 Clonard Street,

Balbriggan, Co. Dublin

K32 W729

(w) www.chiropractic.ie

b. Contact details

[Chiropractic Association of Ireland](http://www.chiropractic.ie)

[.ie](http://www.chiropractic.ie)

www.chiropractic.ie

c. Briefly describe the main activity and characteristics of the organisation making the submission.

The Chiropractic Association of Ireland (CAI) was founded in 1983. It is a voluntary self-regulating supervisory body serving the chiropractic profession and the people of Ireland.

The purpose of the CAI is to maintain professional standards, liaise with various government and health bodies, and to be a professional voice for Chiropractic. Currently there is no legislation governing Chiropractic in Ireland

**Economic Migration Policy Unit
21 March 2018**



Submission to Consultative Process on Economic Migration Policy

“...entitlement without the capacity to respond on the supply-side will mean rationing and most likely by continued waiting lists.” – Sláintecare Report, Joint Houses of the Oireachtas, Committee on the Future of Healthcare (May 2017)

One of the greatest challenges faced by our economy – currently and into the future – is our ageing population and their corresponding care requirements. Every 15 minutes someone in Ireland turns 65 and every 30 minutes someone turns 80.

In light of the health service’s struggles with long hospital waiting lists and the Governments’ stated policy of removing ‘bed blockers’ by promoting more care in patients’ homes, there is unprecedented demand for home care services.

Despite significant private and public spending on home care, there remains unmet need. According to the Department of Health and the HSE, 19% people aged 50+ report unmet need for a community care service.¹

The Department acknowledges it is unable to keep up with demand. Approximately 4,600 people are on waiting lists for home care (this includes new applicants and those waiting for additional hours).²

Independent research by the Irish Association of Social Workers, Alzheimer Society of Ireland, Age Action and UCD found allocated hours often fell short of need. Official sources echo this finding, with the Department estimating that capacity needs to increase by 10% to fill hours allocated by medical teams.³

The Government’s 2017 National Strategic Framework for Health and Social Care Workforce Planning includes a consideration of home care workers.

We estimate that 40,000 people are employed in home care across the public, voluntary and private sectors. Publicly-funded homecare employment is likely to be somewhat more than the HSE figure of 20,300. More recent data shows that, in 2014, the HSE was directly employing 9,100 home help workers.

However, as the economic recovery continues apace, the sector is facing increasing struggles to recruit and retain carers. HCCI members are experiencing ever increasing attrition rates.

This is typical of the sector. Fiacre Hensey, of the voluntary sector representative group National Community Care Networks, says: “...the [lack of] availability of carers is the biggest problem across the country in the delivery of home care services.”

¹ HSE and Department of Health (2015) [Positive Ageing 2016 – Indicators Report](#).

² Department of Health (2017) as before; p.8.

³ Department of Health (2015) [Review of the Nursing Home Support Scheme](#).

As a consequence, the home care sector is becoming increasingly dependent on migrant workers to fill vacancies.

Internationally, care work frequently undertaken by migrant workers. Across countries, this group share a very stable profile - being female, middle-aged and low paid. It is not unusual for their work to be undocumented / irregular. In Ireland, the proportion of migrant care workers has been estimated to be 27% and reliance on migrant care workers is predicted to increase in the long-term.

However, many migrants in the sector are employed directly by families/individuals (ie outside the HSE system) but are not affording these workers the same employment rights and terms and conditions applied by professional care services.

Many migrant care workers:

- are not given contracts of employment or job descriptions (thereby evading employment protections)
- are generally poorly paid for the number of hours of work
- are often being asked to work very long and unsociable hours
- have no insurance
- have no complaints procedures
- no formal training particularly in relation to health and safety, manual handling etc
- have no supervisory/clinical or managerial support
- no ongoing professional development
- no access to a formal governance structure to protect both themselves and their clients

These migrant workers are often afraid to complain, fearing the loss of their jobs and facing the real danger of joining the ranks of homeless and marginalised.

HCCI are advocating for a migration policy that will allow these workers to take their seat at the labour force table and for regulation in home care to ensure unsafe and discriminatory practices are addressed.

Our members advocate for quality and equality in recognising the needs of both our clients to have trained, mentored, supervised and competent carers; and for clear pathways for migrant workers to avail of the same rights as their Irish counterparts.

We are calling for national standards and a register for home care workers where all carers are:

- a) documented
- b) regularised in their immigration status for the home care industry



We support the training framework required for all carers, including migrant workers and advocate for a more formal integration with all stakeholders responsible for workforce planning.

We need to look forward 20 – 50 years, in planning for who and how we will be delivering all home care.

As the representative group for members of the HCCI, we stress that recruitment and retention of workers is the biggest challenge to the home care sector. We are facing a chronic shortage of skilled care workers in Ireland and welcome the opportunity to offer any insight and co-operation in bringing change to bear on the integration of migrant workers.

ENDS

Irish Department of Business, Enterprise and Innovation
 empu@dbei.gov.ie

9 April 2018

Ireland: Public Consultation for Economic Migration Policies

On behalf of Permits Foundation, I am pleased to submit our response to the Public Consultation for Economic Migration Policies, in particular the aspects related to the Dependant/Partner/Spouse Employment Permit. We hope it reaches you well and will contribute to the successful development and implementation of a revised international economic migration policy for Ireland.

Introducing Permits Foundation

[Permits Foundation](#) is an independent, not-for-profit organisation campaigning globally to improve work permit regulations to make it easier for partners of expatriate staff to gain employment during an international assignment. The foundation is supported by more than [forty international companies and organisations](#).

Concern about partner employment is one of the main reasons why employees turn down an international assignment. Our global [surveys](#) show that countries that allow family members to work are more attractive to the global highly-skilled talent pool that goes hand-in-hand with international investment and development, and helps the economy to grow. See annex 1 for key findings and more information on our surveys.

In line with these concerns, we wish to propose the following steps that would support Ireland's emerging labour market needs:

1. Attaching work authorisation to the dependant's pass rather than via a separate work permit application (for critical skills, researchers and Intra Company Transferees (ICTs)).

Pending this change, in case it requires amendment to primary legislation, we believe that there are two immediate steps that may be feasible within the existing framework or a statutory instrument.

2. Including the family members of ICTs in the current Dependant/Spouse/Partner Employment Permit.
3. Clarifying whether self-employment is currently allowed on a dependant's pass.

Current situation in Ireland

In Ireland, spouses, civil partners and dependant unmarried children under 18 of Critical Skills Employment Permit holders and Researchers are permitted to apply for a Dependant/Spouse/Partner Employment Permit that allows them to work for a named employer. This Permit represents only a relatively small proportion of the total permits granted, as stated in your consultation document (p10).

1. *Employment authorisation for family members of all highly skilled/qualified permit holders*

Permits Foundation recommends that Ireland adopts the best international practice where the family members are authorised to work for any employer or be self-employed on the dependant's permit. This should apply to the recognised family members of permit holders for Critical Skills, Researchers and Intra-Corporate Transfer. It largely impacts on the spouse or partner.

Access to employment for partners has a positive impact on highly skilled employees' willingness to accept, complete and extend an international relocation, as well as on health, wellbeing and integration of the family members into the host country. Working partners/spouses make a positive net contribution to the economy both fiscally and with a greater spending ability.

Moreover, it limits the administrative burden as there is no longer the need for a separate application procedure.

2. *Including family members of Intra Company Transferees*

For international companies, ICTs are an essential part of global mobility policies designed to support international business, trade and investment. Typically, their numbers represent around 1-2 per cent of total employees. They are highly educated, with commensurate skills and experience of overseas markets. They represent constant refreshment and upgrading of human capital in the Irish labour market, and a positive fiscal contribution, without placing any long-term burden on government services.

The partners of ICTs are also generally highly educated. At present, they are not encouraged to work in Ireland and yet they are also not allowed access to State resources. If they would be allowed to work, they would also make a positive contribution to the economy through their fiscal contribution and improved family spending pattern. Pending the adoption of our proposal for full employment authorisation, we see no valid reason to exclude them from the current Partner/Dependant work permit that is available for the family members of Critical Skills and Researchers permit holders.

3. *Partner/spouse self-employment*

Permits Foundation would like to seek clarification whether self-employment is currently permitted as it is not mentioned in the description of the dependants' pass. The primary legislation (Section 2.1 of the Employment Permits Act, revised 2017) says that a foreign national shall not enter the service of an employer or be employed in the State without a work permit. Moreover, remuneration is defined as salary. We support the inclusion of self-employed activities as part of our recommendation in line with global best practice.

Negligible effect on local labour market

Permits Foundation country experience shows that granting employment authorisation to family members linked to all categories of highly skilled or qualified employees has a negligible effect on the internal labour market of the host country. The number of ICT partners who look for work is relatively small, usually around 50% across all age groups. Granting dependants an open work permit does not guarantee them a job. They still have to compete in the employment market. Unlike ICTs who transfer straight to a job in their own company, the partners face many challenges, for example, understanding the local job market, applying and interviewing in a different culture and possibly foreign language. They

need to be highly motivated as well as skilled. If they succeed, they are best person for the job and that will add most to the Irish economy. Given these challenges, it is little wonder that countries which reduce employment uncertainty are those which are more likely to attract highly skilled workers and their families.

Comparative information on regulations on dependants in other countries and regions

Granting direct access to employment and self-employment for family members of the highly skilled, including ICTS, is now a recognised aspect of immigration policy as countries look to compete globally and attract and retain talent. For example, the EU ICT Directive currently being implemented in Member States across the EU includes a clause to this effect.

[More than 30 other countries](#), including most EU Countries, Australia, New Zealand, Canada, United States and Brazil, now allow accompanying family members to work freely without the need to request for a separate Work or Employment Permit, as part of a modern approach to managing migration. Irish families abroad also benefit from these regulations.

Conclusions and recommendations

Permits Foundation proposes that Ireland adopts the best practice of allowing family members of Critical Skills, Researchers and ICT's direct access to employment and self-employment for the duration of the assignment.

Facilitating global migration of highly skilled employees goes hand in hand with international trade and investment, improving local employment prospects and economic growth longer term and helping to meet the skills shortages cited by the Irish Government. And it limits the administrative burden for the Irish authorities as a separate application for a work permit is no longer needed.

This will create a 'triple win' that is good for families, good for employers and good for Ireland.

We have no objection to any of our materials being made public. If you have any further enquiries, please do not hesitate to contact us.

Yours faithfully,



Michiel van Campen
Executive Director, Permits Foundation

Permits Foundation, PO Box 162, Carel van Bylandtlaan 16, 2501 AN The Hague, The Netherlands

Annex 1: Permits Foundation Research

Our research shows that assured family access to employment is a key factor in attracting and retaining talent. For example, in our survey of over 3300 expatriate partners accompanying employees in 200 companies, almost 60% said they would be unlikely to relocate to a country where there would be difficulties getting a work permit.

Further evidence from our international surveys:

- 96% of highly skilled families say that countries that enable partners to work are more attractive destinations.
- 70% of partners said that their own employment was important in the decision to relocate.
- 51% of employers reported that employees have turned down international assignments due to partner employment concerns.
- 21% of employers reported that assignees returned home early for the same reasons.
- 80-90% of partners of highly qualified employee are graduates, including around half with a master's degree or higher.
- Partners who are working are more likely to report a positive impact of working on integration, health or well-being and family relationships than partners who are not working.

Our individual surveys

[The Impact of Removing the Unrestricted Right of Dependants to Work in the UK \(2015\)](#) - This survey of 1063 expatriate employees was created in response to a review of the UK's Tier 2 visa route by the independent Migration Advisory Committee (MAC) as part of a UK Government drive to reduce immigration levels. The government decided against making a change.

[International Mobility & Dual Career Survey 2012](#) – Permits Foundation surveyed over 177 leading global organisations (employing almost 7.5 million between them) to look at the challenge of dual careers and its potential impact on business success, with some very compelling findings.

[International Survey of Expatriate Spouses & Partners 2008, Summary Report](#) – this survey examines the views of 3,300 expatriate spouses and partners in 117 host countries including the EU, and provides evidence that a lack of employment opportunities adversely affects global mobility of international employees.

Consultation on Proposed Guiding Principles to frame the State's Economic Migration Policy

Introduction

The focus of the employment permits regime in recent years has been to ensure that the skills requirements of enterprise in the State can be met through economic migration where necessary. However, as the State approaches full employment, labour as well as skills needs are beginning to manifest.

As the economy improves, there are increasing calls to open up the employment permit regime to lower skilled workers in certain sectors/occupations such as agriculture and the care sector.

However, economic migration alone is not a sustainable long-term solution to skills and labour shortages and indeed can, in some circumstances, help to perpetuate those shortages in the economy. The development of particular skills in the resident labour force can depend upon a judicious deployment of economic migration as a supplementary rather than a primary source of those skills, and adjustments must be made with this in mind.

While there is some evidence of a tightening labour market in some sectors, the fact remains that there are 234,900 on the live register, and with a potential pool of 18 million unemployed in the EU 28, DBEI needs to be prudent in considering whether to open up the labour market to unskilled non-EEA workers on wage levels at or just above the national minimum wage.

In this context, it is timely to undertake a review of the economic migration policies underpinning the current employment permits system, to ensure they are fully supportive of Ireland's emerging labour market needs, be they skills or labour shortages in certain sectors. For this reason, the current review is included in the Action Plan for Jobs 2018 (Action 36).

An Inter-Departmental Group has been established to oversee the review and it is made up of relevant Government Departments, namely the Departments of Public Expenditure and Reform; Justice and Equality; Housing Planning and Local Government; Agriculture, Food and the Marine; Health; Transport, Tourism and Sport; Education and Skills; Employment Affairs and Social Protection.

The following factors are in scope for this review:

- All sectors of the economy
- All employment permit schemes
- Economic and social goals
- Regulating demand using available labour market tools eg minimum remuneration thresholds, highly skilled and ineligible lists, and quotas
- International comparisons
- Proposal of changes that can be made:
 - in the short term and within the existing legal framework;
 - in the medium to longer term and which may require amendments to primary legislation
- Identification of appropriate performance indicators

Public consultation

As part of this review process, the Department is seeking submissions from representative bodies, and interested parties. The submission process is an opportunity for stakeholders to provide additional information and potentially different perspectives on the nature and extent of skills and labour shortages and how they might be addressed.

A draft set of guiding principles for the State's economic migration policy, designed to provide a context and framework within which decisions can be made and to provide a rationale for action taken has been developed to assist the process. These are set out in the following pages with questions to assist you in providing your feedback and comments.

Respondents are requested to make their submissions **by e-mail to empu@dbei.gov.ie**

The closing date for receipt of submissions is **5pm, Monday 9 April 2018.**

When making your submission please provide the name of the individual, firm or organisation making the submission; contact details and briefly describe the main activity and characteristics of the organisation making the submission.

Publication of Submissions

The Department proposes to make public on its website all submissions received under this consultation.

However, should 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.

Relevant provisions of Freedom of Information Act 2014

Attention is drawn to the fact that information provided to the Department may be disclosed in response to a request under the Freedom of Information Act 2014. Therefore, should it be considered that any information provided is commercially sensitive, please identify same, and specify the reason for its sensitivity. The Department will consult with interested parties making submissions regarding information identified by them as sensitive before making a decision on any Freedom of Information request. 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.

Guiding Principles to frame the State's Economic Migration Policy

The State's Employment Permits System should help meet, in the short term, the sustainable demand for skills and labour in key growth sectors in the Irish economy without disrupting the Irish labour market.

Principle 1: EEA Preference

Irish labour market policy should aim to ensure that general labour and skills needs are met from within the workforce of the EEA. This policy continues to reflect the need for a responsive educational system, a focus on lifelong learning, and the need to maximise the potential of EEA nationals to fill skills and labour deficits.

In order to safeguard the employment opportunities of Irish/EEA nationals, restrictions exist on the granting of employment permits unless the employer can show at application stage that more than 50% of the total employees of the company are Irish/EEA nationals. The **50:50 Rule** requires that employers seeking to hire foreign nationals on an employment permit have at least 50% of their workforce from Ireland or the EEA. This policy underpins the Government's employment creation objectives by requiring employers in the State to hire in a balanced manner from the local labour market.

The 50:50 Rule applies in all situations except:

- In the case of a start-up company (i.e. a company registered with the Revenue Commissioners within the two years preceding the application) where an enterprise development agency recommends the granting of the employment permit *and* where the Minister is satisfied that to do so would help develop the potential for further employment. Often, start-up companies, including those arising by reason of FDI, will initially be comprised solely of foreign nationals from the company's HQ sent to Ireland to set-up and establish operations.
- Where employers do not have any employees on the date of application and where the Minister is satisfied, that having regard to the employment in respect of which the application is made, the foreign national concerned will be and will remain the sole employee of the employer concerned eg a parent who employs a non-EEA carer who has a long history of caring for a child with special care needs. This waiver is limited to applications for a *Dependent/Partner/Spousal Employment Permit, General Employment Permit, Reactivation Employment Permit, or Sports & Cultural Employment Permit*.

The **Labour Market Needs Test (LMNT)** seeks to ensure that an offer of employment is first made to people already in the local and EEA labour markets before an application is made for an employment permit to employ a non-EEA national. This supports Government policy that those currently in the labour market, be they employed or unemployed, are the first cohort of people that employers should look to.

EU Regulations pertaining to freedom of movement of workers provide for priority for workers who are citizens of the EU. Accordingly, the 2006 Act as amended requires that the employer must advertise the vacancy:

- with the Department of Employment Affairs and Social Protection Employment Services/EURES employment network for at least 2 weeks (as per EU Regs) and
- in a national newspaper for at least 3 days and also
- in either a local newspaper or jobs website (separate to Department of Employment Affairs and Social Protection/EURES websites) for 3 days.

Regulations under the 2006 Act as amended require that the advertisement must include the following information:

- a description of the employment,
- the name of the employer,
- the minimum annual remuneration,
- the location/s of employment, and
- the hours of work.

It is recognised that the duration of the advertising period needs to provide for a meaningful LMNT while at the same time allowing sufficient time for job seekers to respond. Prior to 2012, the advertising period was 8 weeks. It was believed that the reduced advertising period to 2 weeks would strike the right balance

The 50:50 Rule and LMNT are key restrictions on the grant of an employment permit and are provided for in sections 10 and 10A of the 2006 Act as amended.

Question 1

What are your views on the role, relevance and value of the 50:50 rule and LMNT and which are provided for in primary legislation?

The IHF concurs with the Department's view that general labour and skills needs are met from within the EEA and believes that restrictions are necessary and therefore in general agreement with the 50:50 rule. However, the 50:50 restriction should be open to change on an employer by employer basis where the employer can demonstrate a reasonable case for an exemption.

Principle 2: Labour Market Responsiveness

At all stages of an economic cycle, it is imperative that every opportunity is afforded to Irish and other EEA nationals in the first instance, thus ensuring an uninterrupted flow of labour and skills from the domestic and EEA economies.

It is generally recognised that migration alone should not be a sustainable long-term solution to skills and labour shortages and that indeed it can in some circumstances help to perpetuate such shortages in the economy. Many labour intensive sectors are heavily reliant on migrant labour due to the shortage of Irish/EEA persons willing to work in such environments particularly given the alternative

employment opportunities available at a time of full employment; the terms and conditions attaching to such employments; and the relatively low wage cost associated with migrant workers. It is neither possible nor desirable, in the context of the available EEA labour market pool, to address retention issues in the State's labour market through the deployment of the employment permits system.

Ireland's unemployment rate of 6% (Feb 2018), brings the State closer to full employment. However, it remains the case that 234,900 (Feb 2018) are on the live register. In January 2018, Eurostat reported that:

- The average unemployment rate across the EU-28 was 7.3 % and in the euro area was 8.6 %;
- 17.931 million men and women in the EU-28, of whom 14.111 million were in the euro area were unemployed.

In Poland, Romania and Lithuania (the top 3 nationalities for non-Irish labour in the workplace, excluding the UK (Census 2016, CSO)), economic growth of 4.2, 5.7 and 3.8%, respectively, was observed in 2017, with corresponding unemployment rates of 5.0, 5.3 and 7.9% (DG ECFIN, EC).

The Department's review of the highly skilled and ineligible lists is predicated on a formalised and evidence-based process:

- EGFSN/NSC National Skills Bulletin and Vacancy Overview Report
- Various EGFSN sectoral reports.
- Public consultation
- Engagement with Employer Engagement Services (D/EASP), Skills and Labour Market Research Unit (SLMRU in SOLAS), various Govt Departments and Skills & Education Policy Unit in DBEI.

Question 2.1

An improving domestic and EEA labour market has an impact on job seekers choices. What are your views on making the employment permit regime less restrictive where the labour market is tightening or at full employment?

It is imperative that the employment permit regime becomes less restrictive. Hotels are very labour intensive and will struggle to compete for EEA workers with other more profitable, less labour intensive sectors such as IT and construction.

Question 2.2

While EU-level analysis shows that Ireland is ahead of most EU member states in terms of linking market intelligence to labour migration policy, can the review of lists process described above be improved upon? How?

Labour market test alone should be sufficient to demonstrate need for employment permit
Where an employer has advertised the position on a national and European wide area and is unable to fill the position they should then be eligible to apply for a permit.

A remuneration threshold should not be a minimum requirement in the granting of an employment permit. Any employee with a permit is covered under the same employment legislation as any Irish employee.

Question 2.3

Should a business case for removing an employment from the ineligible list require that evidence must be provided by the relevant lead Department of efforts by the sector to (a) develop industry led models for improving the skills and productivity of the workforce; (b) to maximise opportunities for unemployed people; and (c) to address attraction and retention issues?

It is appropriate to request the relevant lead body to develop models to improve skills and productivity but with the appropriate comprehensive supports from the relevant government departments.

Principle 3: Skills shortage

Ireland continues to experience skills shortages in certain key areas as evidenced in research conducted by the Expert Group on Future Skills Needs (EGFSN) and the National Skills Council. The employment permit regime is part of the response to addressing those skills deficits which exist and are likely to continue into the medium term, but is not a substitute or pretext for avoiding the challenge of up-skilling our resident workforce. Nevertheless, it is recognised that Ireland has to compete with other countries for economic migrants, particularly at the high end of the skills continuum. Certain skills, such as those required in the high – tech sectors are in demand globally. Therefore, there continues to be a need to supplement Ireland's skills stock through employment permits and to ensure that Ireland's employment permits system is geared towards attracting such skills.

The employment permits system is designed to contribute to the positioning of Ireland as a locus with a highly skilled and highly remunerated workforce, employed by cutting edge enterprises. Retaining relevance in the fast moving, globalised and technically innovative enterprise environment of the 21st century requires not only the fostering of indigenous talent but the ability to attract the innovators and the experienced from elsewhere to deepen the skills pool here, with the knock-on effect that will have on the scale and the reach of enterprise located in Ireland.

Key amongst the employment permit schemes is the *Critical Skills Employment Permit (CSEP)* which seeks to attract highly skilled non-EEA workers in occupations where there are acknowledged skills shortages, often on a global scale. The *CSEP* does this by waiving a number of the requirements otherwise applying to the issue of employment permits, and by providing a route to immediate family unification, fast-track residency and the availability of employment permits to spouses, dependants or partners where this might be required. The advantages such an employment permit confers on its holder are commensurate with the contribution such personnel can make to the development of the

enterprises for which they choose to work, a benefit that ultimately feeds more broadly into our economy, through the dissemination of expertise among colleagues and through enterprise growth.

The minimum annual threshold for an employment permit should remain as neutral as possible in terms of wage effects. It should fulfil its function as a proxy for skills and a guarantee for sufficient resources. It should encourage the development of particular skills in the resident labour pool and is not set at a level that seems attractive on a cost basis for employers to hire non-EEA nationals at salary levels below the annual average salary.

At €30,000, the minimum annual threshold for an employment permit has fallen substantially behind the 2016 average annual earnings of €36,919. This undermines the intention that the threshold remains as neutral as possible in terms of wage effects. It also ceases to fulfil its function as a proxy for skills and a guarantee for sufficient resources. Without this alignment, there is a risk that the development of particular skills in the resident labour pool may be discouraged, if it seems attractive on a cost basis for employers to hire non-EEA nationals at salary levels below the annual average salary.

Despite being such a valuable employment permit, the *CSEP* €30,000 minimum annual remuneration threshold is set at the same level as that of the *General Employment Permit* which is designed to deal with a general pool of labour/skills shortages in the State. This is currently under review and may be increased incrementally to align with annual average earnings.

Question 3.1

This principle is primarily focused on the *Critical Skills Employment Permit* which is designed to attract highly skilled and experienced personnel who can seamlessly fill short term skills gaps in the domestic labour market. Do you have you any observations on this principle, permit type and remuneration threshold?

This principle is not appropriate as not only will it impact on an employer's wage cost but create disgruntlement with existing staff. The Department cannot insist on a set salary scale that bears no resemblance to the industry norm.

Principle 4: Sector preferences

Preference should be given to those employers and sectors best positioned to grow Ireland's economy i.e. employers capable of achieving a net national benefit to Ireland through innovation, exports or inward investments.

The employment permits system currently operates at occupational level with all employments organised using the Standard Occupational Classification system (SOC 2010), a system which classifies workers into occupational categories.

Question 4.1

Should the employment permits system give preference to sectors, occupations or occupations within sectors? Employment permits should be granted to employers regardless of sector having met a labour market test.

Question 4.2

Should submissions for removal of occupations from the ineligible list include up to date CSO data on GDP and employment growth for relevant sectors? CSO data should be taken into account but by its very nature the data can be out of date the true economic conditions and may not reflect the reality of the present state of any particular industry. In addition CSO data may not accurately represent local economic realities. Therefore setting employment permit policy on a sectoral basis is not appropriate.

Question 4.3

Can you recommend any other verifiable data/evidence?

Question 4.4

Work is being led by DBEI to ensure sectors for future growth potential can be identified and anticipated. How do we factor some level of future proofing to ensure the regime can remain relevant in the fast moving, globalised and technically innovative enterprise environment?

Principle 5: Balanced approach to innovation and labour market

Economic migrants bring new ideas and different perspectives, helping organisations to innovate, for example through developing and adapting technology, and encouraging the adoption of more efficient processes and strategies. However, where access to a low-skilled immigrant workforce is not managed, employers may be deterred from investing in skills and technology to innovate and improve productivity such as fruit picking automation (Australia) and hotel self check-in machines (Sweden). It is important that a balance is achieved between the need for industry to innovate and invest in new processes to reduce dependence on low skilled labour, and ensuring that labour shortages do not result in lost commercial opportunities and value added.

Question 5.1

How can we ensure judicious use of the employment permit regime in respect of low skilled workers? For example, where employments are removed from the ineligible list should they be subject to a maximum quota? If yes, what factors should be taken into account in determining an appropriate quota on an evidential basis? A quota should be determined depending on the number of overall vacancies in the sector.

Question 5.2

While a short-term gap may need to be met, what about the longer-term impact in cyclical sectors? Should time limits be applied in respect of permits granted to low skilled workers? No, where an employer or employee wishes to renew their permit there should be no impediment to the application in terms of a time limit.

Principle 6: Net contributor

Employment permit holders should result in a positive net contribution to the Irish economy and as such should have the financial capacity to support themselves and their immediate families without recourse to State resources.

Definition of remuneration

The definition of remuneration is set out in primary legislation. In the case of the *Critical Skills Employment Permit* and *General Employment Permit* the remuneration is comprised of basic salary, plus payment for health insurance and which is an optional add on to basic salary.

In the case of *Contract for Services* and *Intra Company Transfer Employment Permits*, it is comprised of basic salary set at a minimum of NMW, plus optional payments for health insurance and payment for or the monetary value of board and/or accommodation. Regardless of whether or not payments for health insurance and/or payment for board and accommodation are included in the remuneration package to achieve the minimum remuneration threshold, the employer is legally obliged to ensure they have made appropriate arrangements to provide accommodation and/or board and health insurance for the permit holder

The definition of remuneration is designed to provide adequate safeguards to prevent abuse of the regime eg prevent unscrupulous employers relying on theoretical (but unobtainable) bonuses in reaching the minimum remuneration thresholds. It also ensures that where a permit holder remains in the employment of an employer outside the State (*Contract for Services EP* and *Intra-Company Transfer EP*), the basic salary element achieves the sub-threshold of NMW for the duration of stay in the State and that the permit holder is then adequately provided for in terms of board, accommodation and health insurance, thereby ensuring s/he is not a potential drain on the State's resources. It is also designed to provide clarity and certainty for all employers, but in particular those in the *Intra-Company Transfer* and *Contract for Services* situations, in respect of the remuneration requirements applying to the employment permit regime.

Economically-focussed permit types

The level of remuneration for economically-focussed employment permits - *Critical Skills Employment Permit*, *General Employment Permit*, *Intra-Company Transfer Employment Permit* and *Contract for Services Employment Permit* - should reflect the potential for social impact and cost resulting from economic migration and be sufficient to cater for the policy of family re-unification in certain circumstances.

The *Critical Skills Employment Permit (CSEP)* is designed to attract highly skilled third country nationals into the Irish labour market with the aim of encouraging them to take up permanent residence in the State. It has many benefits such as immediate family reunification and family members resident in the State are eligible to seek any employment and consequently apply for a *Dependant/Partner/Spouse Employment Permit* which is currently issued free of charge. In addition, after just two years, *CSEP* holders may apply to INIS for permission to reside and work without the requirement for an employment permit. Remuneration thresholds are currently €30k for occupations on the highly skilled list with degree and €60k for an eligible occupation (not limited to highly skilled list) and with an appropriate level of relevant experience without the need for a degree.

The *General Employment Permit (GEP)* provides for shorter term employment contracts and, subject to a LMNT to establish that there are no viable local or EEA applicants for the employment, for occupations that are not on the ineligible list of occupations for an employment permit. Such permit

holders are eligible to sponsor family reunification after 12 months. Non-EEA nationals who have held valid *GEPs* for 5 years or more consecutively and have been working lawfully during that time may apply to INIS for permission to reside and work without the requirement for an employment permit. The thresholds of €30,000 is generally applied with the following exceptions: €27,500 for meat boners, and €27,000 for recent graduates and customer service/sale roles with non-EEA languages

The *Contract for Services Employment Permit (CfS EP)* and *Intra Company Transfer Employment Permit (Intra CT EP)* provide for the temporary transfer to the State of non-EEA employees of a foreign employer and they do not accrue rights for long term residency purposes. To achieve a minimum remuneration threshold of €40,000 for an *Intra CT EP* or *CfS EP*, or €30,000 in the case of an *Intra-CT (trainee) EP*, basic salary must comprise at least NMW, as the first component of the remuneration package. In addition, the following components may be added to bring the proposed remuneration to the appropriate employment permit threshold:

- Board and accommodation or its monetary value, and
- Health insurance payments made to a health insurer registered with the Health Insurance Authority on its Register of Health Benefits Undertakings under section 14 Health Insurance Act 1994 or what the Minister is satisfied is equivalent.

These permits have complex remuneration arrangements and the maximum timeframe for these permits is 5 years.

Ancillary permit types

There are a number of ancillary types of employment permits that are designed for purposes which are not, strictly speaking, economic purposes. The purposes served are educational, cultural, or humanitarian; as such, the presence in the State of such permit holders serves a social rather than an economic function and to a large degree, this off-sets the economic cost that may be associated with their presence. In addition to these permit types is the *Dependent/Partner/Spouse Employment Permit*, which is designed to attract highly skilled foreign nationals to work in the State by enabling their immediate family members to take up employment. The lower remuneration of NMW associated with this employment permit type is set in the context of a dual income household.

These ancillary types of permits represent a relatively small proportion of total permits granted:

- *Dependant/Partner/Spouse Employment Permit* - The rationale for this type of employment permit is that in order to attract foreign nationals to apply for the *Critical Skills Employment Permit* or to encourage third country researchers to carry out research in the State under Council Directive 2005/71/EC, provision has to be made for their families where appropriate.
- *Reactivation Employment Permit* - This employment permit provides for those foreign nationals who entered the labour market on a valid permit but who have subsequently fallen out of the system for a variety of reasons including redundancies and exploitation. The primary objective is to regularise the situation of such previous permit holders - such persons are unlikely to be in highly paid occupations.
- *Sports & Cultural Employment Permit* - This employment permit provides predominantly for sports professionals. The minimum remuneration threshold is currently set at NMW, but most employments achieve a higher remuneration.

- *Internship Employment Permit* - This employment permit provides for student internship programmes for the purpose of gaining work experience in employments on the highly skilled occupations list. It is a one-year, non-renewable permit.
- *Exchange Agreement Employment Permit* - This employment permit provides for reciprocal international arrangements where opportunities are afforded to Irish nationals in exchange for opportunities afforded to foreign nationals e.g. trade agreements which include labour transfers, exchange agreements concerning researchers or student work experience, etc. It is a one-year, non-renewable employment permit.

Question 6.1

What are your views on the remuneration as provided for in law?

Remuneration caps must be based on the industry norm.

Question 6.2

Do you have any views on these permit types, in particular the timeframe for which these permits can issue and the remuneration thresholds? 6 months to two years with option to renew is appropriate.

Question 6.3

What should the minimum threshold for low skilled workers in occupations removed from the ineligible list be set at? The industry norm for Irish and EU Workers.

Question 6.4

How do we mitigate against unnecessary shocks to the labour market or deflationary pressure on wages? Present employment legislation regarding minimum wages and conditions of employment will provide adequate protection to existing workers and their terms and conditions of employment.

Question 6.5

Low wage jobs may yield income below threshold for social transfers eg medical card, rent supplement, FIS (from 2018, Working Family Payment), and local authority housing. Should the remuneration threshold be set at a level which ensures the migrant can meet their (and family) basic social care needs without recourse to the State's resources? No, these workers pay the same tax rates as Irish workers and are entitled to the same benefits.

Question 6.6

How can we ensure that a lower threshold would be deployed only in circumstances where there is evidence of a labour shortage? Should the negotiation of the grant of employment permits at a lower remuneration threshold be led by representatives of the State that have expertise in the specific sector? Yes.

Principle 7: Employment rights

Migrant workers are a vulnerable class of people. Language difficulties, cultural differences, and lack of social networks can disadvantage migrants and increase the potential for abuse by unscrupulous employers. Ireland has a very thorough employment rights legal framework. Careful consideration is given to the potential for abuse and many of the criteria in evaluating employment permits applications focus on the bona-fides of the employer and the protection of the permit holder.

The employment permits system ensures that the employment rights of migrants are observed and criteria are aimed at ensuring that migrant employees are treated in line with Irish labour laws and is operated with the following safeguards for non-EEA workers:

- the foreign national receives the original employment permit and the employer gets a copy;
- employers are prohibited from making deductions from the remuneration of employment permit holders in respect of their employment permits; neither may an employer hold any personal document of the employment permit holder.
- a job offer must come from a bona-fide employer registered with the Revenue Commissioners and, where applicable, the Companies Registration Office/Register of Friendly Societies;
- the employment must achieve a minimum remuneration threshold;
- the 50:50 Rule ensures that no more than half of the employees of an enterprise seeking to hire a foreign national on the basis of an employment permit should be non-EEA nationals, to increase the likelihood that the employees in an enterprise where non-EEA nationals are to be employed have a measure of familiarity with normal employment practices in Ireland;
- the *Reactivation Employment Permit* scheme is available for those foreign nationals who originally entered the labour market legally on an employment permit but who fell out of the system;
- holders of a *Critical Skills Employment Permit* or a *General Employment Permit* who have been made redundant may apply for the same job with a different employer, even where the job is no longer on the highly skilled list or is now ineligible;
- employment permit holders may change employer within 12 months where in circumstances, such as redundancy, or where circumstances (unforeseen at time of application) arise in the employment that fundamentally change the employment relationship (eg. the employer plans to change the location of the business to a site a significant distance from its current location, or the hours that the permit holder work are being significantly changed, or significant changes are being made to the nature of the work that they are required to do).
- employment permit holders may change employer after 12 months provided the new employer fulfils all conditions attached to employing a non-EEA national.
- the Workplace Relations Commission has powers of enforcement under the Employment Permits Acts. Workplace Relations Commission's investigation and enforcement powers

work to discourage abuses of the employment permits system by unscrupulous employers. All employment in Ireland is subject to the provisions of employment law with the protections that entails for employees, and in addition to these provisions, employers are subject to fines of up to €250,000, or a prison term of up to 10 years' duration, where they are found to be in breach of the Employment Permits Acts.

Question 7.1

Do you have any views on the arrangements in place to protect the employment rights of employment permit holders? Employment permit holders are protected by the same employment legislation as an Irish worker in employment which is subject to the inspection services of the WRC.

Principle 8: Legislative framework and process

The employment permits regime should be administratively effective and efficient, have a clear legislative basis, and be sufficiently flexible to react quickly to changes in the labour market.

The 2006 Act as amended deals with an area of regulation where the needs of the economy interact with the needs of particular individuals. As a consequence, it has extensive underpinning both at the level of primary legislation and in Regulations. The 2006 Act also provides a degree of flexibility to deal with changing labour market and economic development needs which often require rapid response through the twice-yearly review of the Employment Permits Regulations.

The employment permit system is continuously evolving to better fit the needs of employers and the foreign nationals who choose to work here, with a well-established Trusted Partner registration scheme to support companies who are frequent applicants for employment permits, and an online application system, which streamlines the application process and greatly simplifies the process for applicants.

While the 2006 Act as amended provides flexibility (principally through the Regulations), many of the operational aspects of the employment permits regime are codified in primary legislation eg the LMNT mode (eg newspapers are mandatory) and the remuneration definition. This extensive underpinning in the Act has led to inflexibilities in addressing some operational issues arising due to a changing enterprise environment, for example advertising.

In support of the Department's objective to improve service to businesses, the Employment Permits Online System (EPOS), which was launched in September 2016, was firmly established during 2017 as a preferred method of submitting applications for employment permits. It provides an intuitive, user friendly facility to submit online permit applications, supporting documents and secure online fee payment service. The system has supported faster turnaround of applications by removing the requirement for applicants to fill out application forms by hand and reducing errors and rejected applications. Currently, over 95% of employment permit applications received are being submitted online.

Further service enhancements are planned to make additional associated application forms available for submission online. Work is underway to allow requests for reviews of refusal decisions and requests for Stamp 4 support letters to be submitted online.

Question 8.1

What is your view and would you recommend amendments to the 2006 Act as amended to provide for more flexibility in the medium-longer term? Remuneration threshold should not apply and Labour Market Test should consist of advertising the vacancy for two weeks only on the EURES network. Advertising in the national papers to satisfy a regulation is a wasted cost.

Question 8.2

Do you have any views on the EPOS and any recommendations to improve? As above.

When making your submission please provide the following information:

a. Name of individual, firm or organisation

Irish Hotels Federation

Briefly describe the main activity and characteristics of the organisation making the submission.

The Irish Hotels Federation (IHF) is the national organisation of the hotel and guesthouse sector in Ireland the IHF is a key stakeholder in Irish tourism. We represent the interests of over 1,000 businesses and work with our industry partners to ensure the right conditions are in place for tourism to grow and prosper, thereby contributing to economic recovery in the country.

Irish Racehorse Trainers Association

Telephone: (045) 522981
Fax: (045) 522982



Curragh House,
Dublin Road,
Kildare,
Co. Kildare.

Website: www.irta.ie

11th April 2018

Re: Review of Employment Permits rationale

To Whom It Concerns,

The shortage of and absence of access to experienced and skilled workers in the horse racing industry, which is exacerbated by the ineligibility of these occupations for Employment Permits, represents an impediment to the development of the Irish Horseracing industry and in particular for the activities of Irish race horse trainers.

Accordingly, the Irish Racehorse Trainers Association, now respectfully request a partial relaxation of this restriction, whereby a limited number of general employment permits for the employment of skilled and experienced workers in the horseracing industry would be eligible for consideration.

The Irish horseracing industry is one of Ireland's highest performing agricultural sectors and has a long and sustained history of international success. It operates under the aegis of Horse Racing Ireland, which is responsible to the Minister for Agriculture and Food for the governance, development and promotion of the industry.

The industry has a number of standout and significant national economic benefits. It employs 14,500 people, it is worth over one and a half billion to the Irish economy and is dispersed throughout Ireland. Race meetings in tracks at provincial towns are an important tourist and community occasion and provide a welcome and substantial boost to local economies. Moreover, the attendees at the Irish classic meetings such as The Derby and Grand National, is a growing and valuable source of foreign exchange earnings. The renown of both Irish bred and trained horses and those of overseas owners trained in Ireland add to the inflow of International investment in the industry in Ireland.

Irish trainers have a proud record not alone domestically but in the race meetings overseas. Irish trained and bred horses have achieved high-profile wins in the UK's Derby, St Leger, Grand National, Ascot and Cheltenham Gold cups as well in The Breeders Cup in the USA, Prix de l'Arc de Triomphe and three Melbourne Cups. In order that the voice and concerns of trainers would be heard and listened to, the Irish Racehorse Trainers Association was founded in 1950 and has a very positive impact in the development and expansion of Irish racing. Irish trainers are licensed by Horse Racing Ireland and number about 700. However, they operate in a very challenging environment and have very often to compete with trainers overseas to attract business from horse owners and breeders. In fact when responding to a recent Parliamentary question, you adverted to the additional problems which will be created for the horseracing industry and in particular for trainers because of Brexit.

In order to assist them in promoting their skills and expertise Horse Racing Ireland has recently introduced a scheme under which a grant of €1000 is on offer for specified promotional purposes such as open days, creation of website, promotional materials and the upskilling of trainers and/or their staff in key marketing functions. But Labour and skills shortages within the Irish horse racing industry are a continuing problem and affect Irish trainers in particular.

Horse Racing Ireland through its Careers and Racing Education (Care) Department now supports and advises existing personnel within and would-be entrants to the industry on the available training and study opportunities. HRI offers a framework or support structure for the diverse and skilled needs of the industry by means of education and training. Amongst the initiatives being pursued are information days for leaving certificate cycle students. More specifically with the aim of alleviating the serious staff shortages affecting trainers, last year Care trialled an intensive nine week programme in all aspects of racing, including riding out and working with racehorses; but the results were modest. Trainers still cannot find or locate new entrants with the specialised skills or experience required.

Over time the various programmes and initiatives by CARE will undoubtedly help ameliorate the position. However, education and training are only part of the answer. Work riders where the shortage is greatest and the need most acute must be of a particular size frame and weight consistent with provision of optimum training and schooling of horses, particularly in the early stages of their development. These physical dimensions are extremely rare and scarce within Irish and other EEA nationals. Thus Irish trainers, if they are not to be disadvantaged against international competition, now require access to work riders from outside the EEA who possess the required physical frame and have at least three years relevant experience.

On the 4th April 2017, we received a response from the Minister stating that work riders are included on the ineligible categories as research undertaken by the Expert Group on Future Skill Group has not indicated that there is any shortage of work riders.

However, the Ministers letter did not indicate when this research was carried out by the EGFSN. Our research which was carried out in recent months has confirmed that such shortage does exist not alone in Ireland but throughout Europe. The Irish Racehorse Trainers Association is a member of The European Trainers Association and thereby has up-to-date information on the skill shortages which characterise the industry in Europe; work riders is the category with the highest skill shortage. Research shows that there is a shortage of work riders throughout Europe.

In the short to medium term, the Irish Racehorse Trainers Association estimate there is a need for about two hundred skilled and experienced work riders from outside the EEA. Typically, these would be Brazilian, Indian or Pakistani nationals, who would have worked previously in the industry and some which would have worked in Ireland, but would have returned to their native countries.

Work riders need to be of a weight of about nine stone seven pounds, which is certainly untypical and has become increasingly scarce with the changing dietary patterns in Europe.

Please find enclosed a copy of a recent email, which is a sample of the correspondence the office receives on a regular basis.

Yours Faithfully,



Michael Grassick
Chief Executive



Consultation on Ireland's Economic Migration Policy

We are an alliance of the main NGOs working in the ageing sector in Ireland. These organisations are Age Action, Active Retirement Ireland, Age & Opportunity, Alone, The Irish Senior Citizens' Parliament, the Irish Hospice Foundation and Third Age Ireland.

Our Mission

To bring together in one nationwide and multi-disciplinary coalition representatives of non-governmental organizations engaged in the promotion of active ageing and advocacy on behalf of older people.

To encourage practical exchange and cooperation among the diverse NGOs engaged and interested in active ageing throughout Ireland.

To foster active ageing research, scholarship, education, training and advocacy within inter-governmental and governmental institutions as well as in academic and other public organisations and agencies.

To enhance the collective role of the Alliance members through cooperation among affiliated organizations with regard to programmes, research projects, publications, and other activities of mutual interest.

To assist all branches of Government, and the Department of Health in particular, in the identification of existing and emerging issues around ageing in Ireland, in the initiation of research studies and recommendations for action, and in supplying technical assistance in specific areas of Alliance competence.

Ireland is ageing. Census 2016 counted more than 637,000 people aged 65 years or older, an increase of more than 19% over the last five years, and now representing 13.4% of the population. By 2026 – only nine years from now - there will be 1.15 million people in Ireland aged 60 or over, representing almost one out of every four people. The greatest increase will be in the population aged over 85, which is expected to reach 104,000, meaning that this age group will have more than doubled since 2006.

We as an alliance are concerned that there are many issues with regard to migrant workers that are not addressed especially as they are concerned with working with older people. We recognise that there are a number of immediate impacts on the workers and on family carers and older people themselves.

Hundreds of non-EEA migrant home care workers already living and working in Ireland cannot access the employment permit system.

They are a crucial component of Ireland's care workforce yet a range of jobs categories in this sector are deemed ineligible for employment permits.

This group assist older people to live in their own homes and communities for longer and as an alternative to long term care.

They support people who do not receive adequate hours through HSE home care packages or home help hours.

Alliance of Age Sector NGOs



They are not recognised as workers in the labour market. This situation forces employees and employers into the informal economy, which has a negative impact on workers' rights, on income through revenue and denies families the opportunity to claim tax relief for employing a home carer.¹

Our Recommendations

1. We are seeking a more transparent and open process to review the 'eligible' categories list for employment permits **Principle 7: Employment Rights:**
2. We ask that at a minimum, the DBEI should add care work jobs – such as private home care, domestic work, nursing home care, specialist care assistants to the 'eligible' job categories lists for employment permits. **Principle 3: Skills Shortage**
3. We request that the DBEI, would introduce a sector based employment permit for the care sector. This responds to the fast changing needs of the home care industry and enhances the workers mobility. Especially if their conditions of employment are poor and prevents the exploitation of workers. **Principle 3: Skills Shortage and Principle 7: Employment Rights**
4. The DBEI should work with the Department of Justice and Equality to develop transitional measures to allow experienced and skilled undocumented care workers already in the state to apply for employment permits. This can be modelled on the Reactivation Employment Permit (REP) Scheme. A transitional measure would allow families currently employing an undocumented home carer to formalise their employment. This would enable families' to avail of tax relief available for employing home carers and also generate revenue. **Principle 6: Net contributor**
5. The Government should take a long-term view of labour migration policy, as there are many jobs and sectors, which are essential to the Irish economy, and society and whose impact goes beyond economic growth and GDP measures, for example care in the home. **Principle 4: Sector Preferences and Principle 6: Net contributor**

Our alliance support the work of the migrant worker in Ireland. We would be open to participate in whatever way that would be useful to the Department.

ENDS

¹http://www.citizensinformation.ie/en/money_and_tax/tax/tax_credits_and_reliefs_for_people_with_disabilities/tax_relief_for_employing_a_home_carer.html