



# IFA

## Public Consultation on the General Scheme of an Employment Permits (Consolidation and Amendment) Bill

### Introduction

IFA welcomes the Employment Permits (Consolidation and Amendment) Bill in that it proposes to take certain operational elements out of primary legislation, ensuring that the rules governing employment permits for non-EEA nationals can be nimbler and better adapted to the evolution of the Irish labour market.

We further welcome the inclusion of many of the amendments sought by IFA in a number of submissions in the past two years.

We also wish to acknowledge the helpful approach adopted by DBEI officers in helping farmers, especially dairy farmers, many of whom are first time employers, to make their applications for work permits, and even, where duly justified, to fast track them when general processing delays were overly long.

IFA acknowledges that DBEI have taken on board agri-specific labour market research carried out by Teagasc (People in Dairy project) and by the Horticulture Industry Forum in their most recent employment permit decisions. However, it is worth noting that the agencies such as SOLAS and the Experts Group on Future Skills Needs (EGFSN), which DBEI has historically relied upon for labour market intelligence, have to this day done no research specific to the agriculture sector.

**The following are the areas IFA believe can be further improved either within the forthcoming Bill, or in the general operation of the system:**

- **Seasonal work permits** would be particularly valuable for the horticulture, but also the dairy sector. The busy spring calving period creates seasonal labour requirements which ease later in the year. Seasonal permits allowing for repeated re-entry into Ireland would also be particularly useful, say for example for a New Zealand dairy operative to work half a year in New Zealand, and the other half in Ireland.
- Work permits which allow farm operatives to work on more than one farm – say on more than one horticulture farm allowing for harvesting of different crops at different times of the year, might also be a useful version of a seasonal permit.
- We understand **short term permits** are to be designed, and we would value the opportunity to input into this design process.
- Work permits should be available to **pig and poultry farms** other than for farm managers, which can currently be catered for under the General scheme. The urgent provision of 100 permits for both sectors should be dealt with under a specific quota such as that granted for dairy assistants and horticulture workers, or by way of an amendment to the Eligible/Ineligible Lists.
- For all work **permits currently the subject of quotas** (horticulture, dairy assistants and potentially pig/poultry as suggested above), it is critical that the **need to extend the number**

**of permits** would be assessed before the available quotas are exhausted, and where duly justified the new quota announced as early as possible. This would allow smoother operation and avoid potentially damaging delays in recruitment. As we write, the employment permit quota for horticulture workers is exhausted and needs to be renewed with another 500 permits. The already extended dairy assistants' quota has less than 40 available permits left, and it too will need to be further extended by another 100.

- The **Labour Market Test** (i.e. advertising of positions within the EU/EEA) is to be modernised, which is welcome, to reflect current job advertising best practice. However clarity as to the time line of the implementation of the new approach to the LMT is needed. It is also vital that the LMT does not add too much delay to the application process.
- **Application processing delays** have been brought back from a high of 16 weeks to a low of 9 weeks last November, and to a current (January 2020) level of 13 weeks for ordinary applicants. Added to the Labour Market Test, this leaves a long lead in for farmers trying to plan their business, and it is important that it be shortened further. While Trusted Partner status reduces this lag significantly, it is only relevant to a farmer who will go on to employ additional non-EEA staff – and many farmers may only employ one person.
- Some non-EEA workers require **a visa** as well as a work permit, but the latter cannot be granted until the former is. The new Bill must provide the opportunity for both applications to be processed concurrently to minimise delay, with both the visa and permit remaining contingent on each other.
- **The waving of the 50/50 rule** is particularly welcome for those sole farm operators in expansion mode. This is a rule which may need to be kept under review, should the Irish/EEA labour market remain tight, and should expanding farm employers need to recruit more than one non-EU/EEA worker.
- **Where the prospective employee does not work out** – we have had examples of people mis-representing their qualifications/skills, which can be difficult to assess when face to face interview is not an option and verification of references tricky – employers should be able to re-apply under preferential conditions, e.g. lower application fee, and/or faster processing;
- The **minimum remuneration** of dairy assistants has been set in the current employment permit scheme at €22,000 for a 39-hour week. It should be noted that the minimum wage is set to rise from February 1<sup>st</sup> 2020 to €10.10/hr or €20,483 per annum for a 39-hour week. It would therefore be important that the remuneration threshold for the employment permit would not rise above the current €22,000 level.
- **The minimum remuneration of typically low-skilled horticulture workers** is proving a challenge for the sector. Margins are tight for operators dealing in an extremely competitive retail market dominated by fruit and vegetable imports. Remuneration in excess of the minimum wage would put Irish horticulture growers at a significant competitive disadvantage, and cannot be recouped from the market place.
- In relation to the provision of **additional conditions for grant of an employment permit**, there are already significant conditions attached to the current pilot schemes and any further requirements should not add costs to employers and should be economically sustainable and workable.
- **A tracking system** must be provided, on line or by way of smart phone app, which allows applicants to follow the progress of their application in real time, and to complete or correct it as necessary;
- Finally, it is important to recognise that, in a labour market which is currently at full employment, it makes sense following from the success of recent quota-based schemes to

**amend the Ineligible and Eligible Lists of occupations** to include farm assistants for dairy, and workers in horticulture, pig and poultry farming, with a specific set of minimum remuneration levels appropriate to the realities of those individual sectors.

Farming in general, but especially dairy, horticulture, pig and poultry farming, have been valuable contributors to the rural economy. Full employment on the Irish labour market, and historically low levels of unemployment around the EU and EEA have made recruitment and retention of staff difficult on Irish farms.

The expansion of the dairy sector has created jobs in processing, but also on farms, which are challenging to fill with the correctly skilled people, but essential to securing the sustainability of the sector.

The greater flexibility which the proposed Employment Permits Bill would permit is most welcome, and with some small additional amendments, would help ensure our agricultural sectors can fully deliver on their true potential for the Irish rural economy.