

Prepared by the Department of Enterprise, Trade and Employment

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Review of the Occupations Lists for Employment Permits

Public Consultation Submission Form 2023

1. Review of the Critical Skills Occupations List and the Ineligible Occupations List

The Economic Migration Policy Unit of the Department of Enterprise, Trade and Employment now invite submissions from representative bodies, Government Departments, Agencies, and other interested parties to a public consultation to review the eligibility of occupations appearing on the Critical Skills List and the Ineligible Occupations List for employment permits.

You are invited to make a submission with your observations if you feel that there is a skills deficit or surplus of individuals holding such skills, or a shortage of labour or surplus of individuals available to fill those labour needs, in relation to occupations in your sector, the impact of which is adversely affecting your industry. We are interested in any factors that you consider are appropriate in order to have an occupation considered for adjustment on the lists, for example, data on skills or labour shortages, recruitment efforts undertaken, retention difficulties, relevant training incentives, impact on business, expansion plans etc., or other evidence or data such as industry surveys or reports and views within your sector.

The submission process is an opportunity for stakeholders to provide information, experiences and different perspectives on the nature and extent of skill and/or labour shortages. Stakeholder submissions are a vital source of information and views, helping inform the Department’s final assessment of the status of occupations.

# 1.1 Observations of other Government Departments

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

# 1.2 Publication of Submissions and Freedom of Information

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. However, please note the following:

* The information provided in the submission form will be shared with relevant Government Departments and State organisations during the review process.
* The Department will publish the outcome of the reviews and the submissions received under this consultation on its website, and
* as information received by the Department is subject to the Freedom of Information Act, such information may be considered for possible release under the FOI Act. The Department will consult with you regarding such information before making a decision should it be required to disclose it.
* If you wish to submit information that you consider commercially sensitive, please identify that information in your submission and give reasons for considering it commercially sensitive.

2. Economic Migration Policy

Ireland operates a managed employment permits system maximising the benefits of economic migration and minimising the risk of disrupting Ireland’s labour market. The employment permits regime is designed to facilitate the entry of appropriately skilled non-EEA nationals to fill skills and/or labour shortages in the State, required to develop and support enterprise for the benefit of our economy. However, this objective must be balanced by the need to ensure that there are no suitably qualified Irish/EEA nationals available to undertake the work and that the shortage is a genuine one.

The system is, by design, vacancy led and driven by the changing needs of the labour market, expanding and contracting in tandem with its inherent fluctuations.

Under the Employment Permits Acts, in order to work in the State, all non-EEA nationals require a valid employment permit or relevant immigration permission from the Minister for Justice which allows them to reside and work in the State without the requirement for an employment permit. The legislation also sets out various criteria that must be met when considering an application for each of the permit types including establishing there is evidence of a lack of suitable labour within the domestic labour market, eligibility, minimum annual remuneration and duration of proposed employment.

The State’s general policy is to promote the sourcing of labour and skills needs from within the workforce of Ireland, the European Union and other EEA states. Employment opportunities which arise in Ireland should, in the main, be offered to suitably skilled Irish and other EEA nationals and should only be offered to non-EEA nationals who possess those skills and where no suitable candidate emerges from within the EEA to fill the vacancy. This policy also fulfils our obligations under the Community Preference principles of membership of the EU.

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

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

# 2.1 The Occupational Lists for Employment Permits

The system is managed through the operation of the Critical Skills Occupations List and the Ineligible Occupations List which determine employments that are either in high demand or are ineligible for consideration for an employment permit.

* Occupations included on the **Critical Skills Occupations List** are highly skilled occupations which are experiencing labour or skill shortages in respect of qualifications, experience or skills and which are required for the proper functioning of the Irish economy.
* Occupations included on the **Ineligible Occupations List** are occupations in respect of which there is evidence that there are more than enough Irish/EEA workers available to fill such vacancies, and therefore an employment permit shall not be granted in Ireland.
* Every other job in the labour market, where an employer cannot find a worker, may be eligible for an employment permit. The employer must do a Labour Market Needs Test to see if there is anyone in the State/EEA who could fill the vacancy. If no-one suitable applies for the job, the employer is free to apply for an employment permit.

## 2.1.1 The Standard Occupational Classification system (SOC 2010)

The Lists are *guided b*y the Standard Occupational Classification system (SOC 2010), a system devised to classify roles into occupational categories. SOC2010 is structured in nine major groups and 25 sub-major groups followed by minor groups and unit groups. Within the structure of the classification, occupations fall broadly into four skill levels.

The Lists operate at Levels 3 and 4 of SOC-2010. When processing employment permits, the Department evaluates the occupation based on its own criteria and salary, title, qualifications, and specifications etc., are indicative of those criteria used by the Department in determining the relevant SOC code to be applied.

**A copy of the latest Occupations Lists can be found at page 11 below. Submitters are advised to review the SOC2010 listing and where possible identify the most appropriate SOC code for the occupation referred to in order to provide clarity to the specific role. Link to information on the SOC system is also available on the following webpage under ‘Eligibility and Requirements’**

[enterprise.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/Employment-Permit-Eligibility/Classification-of-Employments/](https://enterprise.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/Employment-Permit-Eligibility/Classification-of-Employments/)

# 2.2 The Review Process

In order to maintain the relevance of these lists of occupations to the needs of the economy and to ensure the employment permits system is aligned with current labour market intelligence, the lists are subject to regular evidence-based review guided by the research and labour market intelligence undertaken by the Expert Group of Future Skills Needs (EGFSN) and the Skills and Labour Market Research Unit in SOLAS. Account is taken of education outputs, sectoral upskilling and training initiatives and any known contextual factors (e.g., planned expansions in sectors, if known; Brexit; impact of Covid-19 etc). The observations and input of relevant Government Departments are also incorporated in addition to the public consultation process. Submissions to the review process are also considered by the Interdepartmental Group on Economic Migration Policy chaired by the Department of Enterprise, Trade and Employment with membership drawn from senior officials of key Government Departments and Solas.

The Report on the Review of Economic Migration Policy, published in September 2018, included the recommendation that in order to make changes to the occupations lists, there would need to be a clear demonstration that recruitment difficulties are solely due to shortages across the EEA and not to other factors such as salary and/or employment conditions.

An occupation may be considered for inclusion on the Critical Skills Occupations List or removal from the Ineligible Occupations List provided that:

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

Employment permit policy is part of the response to addressing skills deficits which exist and are likely to continue into the medium term, but it is not intended over the longer term to act as a substitute for meeting the challenge of up-skilling the State’s resident workforce, with an emphasis on the process of lifelong learning, and on maximising the potential of EEA nationals to fill our skills deficits.

## 2.3 Applications for Employment Permits

Parties considering making submissions to the review process should be aware that a range of criteria in addition to the eligibility of an occupation apply to the grant of employment permits. The criteria vary according to the type of employment permit application which is submitted. An elaboration of the policy underpinnings of the employment permits system is set out at:

[enterprise.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/Employment-Permit-Policy/](https://enterprise.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/Employment-Permit-Policy/)

1. Submitter Details

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| 1. Name of firm/organisation and contact details:   (Please ensure you include a contact email address for queries) |

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| 1. Please describe the main activity, sector and characteristics of the organisation making the submission [not required for Government Department/State Bodies] |

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| 1. Please provide an overview of your sector, including importance to the economy; recent and projected growth of the sector; national or sectoral strategies/actions; employment numbers/types of occupations in the sector |

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| 1. If you are not a representative body, please provide the name and contact details of your representative body for your sector if there is one. |

1. The Occupation

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| 1. Complete the below table.   For an occupation to be included on the Critical Skills Occupations List a relevant degree qualification or higher is required. Add more rows to the table where required |

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| --- | --- | --- | --- | --- | --- | --- | --- |
| **No.** | **Occupation Title** | **SOC code** | **Inclusion on IOL** | **Removal from IOL** | **Inclusion on CSOL** | **Removal from CSOL** | **Remain as is** |
| **1** |  |  |  |  |  |  |  |
| **2** |  |  |  |  |  |  |  |
| **3** |  |  |  |  |  |  |  |

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| 1. Please provide details for each occupation to include the following: |
| * 1. Brief overview of the role / job profile and tasks or responsibilities that may be of relevance: |

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| 1. Current average remuneration this role attracts (basic salary not including bonuses, allowances etc.) |

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| 1. Qualifications and/or level of experience required to fulfil the role |

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| 1. The number of employees in your organisation currently working in this role |

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| 1. What progression opportunities does the role allow |

1. Reasons for adjustment:

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| The Department must be satisfied that industry is committed to meeting its labour needs from the resident and EEA labour market, and that recourse to the recruitment of foreign nationals is only undertaken where a genuine skills shortage exists, rather than other factors relating to the conditions of the employment which should be addressed through means other than economic migration. |
| 1. Please provide an overview of the challenges faced by your business/sector, i.e., extent of labour and/or skills shortages; the impact and consequences for your business/sector if labour demands are not achieved | |

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| 1. Please provide any general information that you feel is pertinent in relation to your industry, e.g., wage ranges for occupations where shortages occur, whether the perceived shortage is general to the occupation or only occurs at specific levels of experience, or for very specific expertise. |

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| 1. Do you have any plans for expansion or development envisaged? |

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| 1. Wider economic factors may have an influence on such occupational shortages. For example, are the labour/skills shortage or surplus impacting productivity, innovation or competitiveness? Please provide evidence. |

D. Training, innovation and industry initiatives

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| The Department must be satisfied that the industry is committed to fully utilising the domestic/EEA labour market before industry considers employing non-EEA nationals. |

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| 1. Please provide information on any demonstrated industry commitment to training and industry initiatives to enhance domestic/EEA recruitment that you are aware of, specifically: |
| What steps are being taken by industry and employers in the short term and long term to address this shortage? |

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| Describe global labour-saving innovations in your industry and how your company or sector is planning to adopt these |

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| Are you aware of initiatives by the sector to upskill the resident population or plans by industry representatives to engage with education and training providers in ensuring that the sector's skills needs are met? |

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| Are there education and training initiatives and programmes? If yes, why is the graduate output not sufficient to meet your sector’s needs, e.g. quality of graduates? quantity? geographic mobility? |

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| Does your business have an agreed skills plan? E.g. a plan for upskilling the current workforce and or potential workforce?If yes, describe the expected outcomes of the plan. If no, what plans are in place to develop one and within what timeframe? |

1. Irish/EEA labour market resources

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| The State is committed to supporting Irish and EEA job seekers and the economic migration system is managed to contribute to this support. The Department of Social Protection can provide a range of supports to employers seeking to fill vacancies, and applicants for employment permits to fill general labour needs should avail of this support in the first instance. Changes to the eligibility of particular occupations in the context of the employment permits system will only be made where there is clear evidence of extensive engagement of sectoral actors in the Irish and European labour markets and where it is clear that the response to this engagement has proved inadequate to meet the relevant labour or skills requirement. |
| Please provide information on the efforts made by your business/sector to recruit qualified Irish/EEA job seekers, i.e., campaign reach, duration, outcomes etc. |

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| Please provide information on the actions taken by your business/sector to avail of the Department of Social Protection’s Employer Engagement Team services to source qualified job seekers |

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| Also please explain efforts made to recruit qualified EEA job seekers using for example Eures, Jobs Fairs, industry associations abroad, Jobs Ireland, etc. |

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| Have you used methods other than Jobs Ireland, Jobs Fairs, e.g., industry associations abroad, etc? |

F. Consultation

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| 1. If not a representative body, have you consulted with any industry representative body on this issue? If yes, please provide some information on the aims and progress of the consultation? |

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| 1. Has your business/sector had any engagement with the lead policy Government Department for your sector on this issue? If yes, please provide some details of the aim, progress, context of engagement and/or current status of such engagement and contact details for the Department official if possible |

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| 1. Please indicate which union represents the occupation(s) concerned. Please provide information on any engagement your organisation has had with this union. |

**Thank you for your participation.**

**Please ensure any commercially sensitive information included in this submission has been indicated.**



*Economic Migration Policy Unit*

**An Roinn Fiontar, Trádála agus Fostaíochta**

Department of Enterprise, Trade and Employment

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