

## IRELAND: CHANGES TO EMPLOYMENT PERMIT SYSTEM

### Employment Permits Act 2024 - Highlights

The Irish Employment Permits Act 2024 (The "Act") has been passed and some regulations came into effect on September 2<sup>nd</sup>.

The Act improves the efficiency in the employment permit system, making it more adaptable to a changing labour market.

Employment permits are required for any worker from a country outside the European Economic Area, the UK or Switzerland. There are multiple types of employment permit that can be applied for.

The General Employment Permit (GEP) allows workers to be employed in occupations where there is a labour shortage in Ireland. You can get the permit to work in any job provided it is not on the Ineligible List of Occupations for Employment Permits.

#### Changes to 'The Labour Market Needs Test'

The Labour Market Needs Test is one of several criteria to be satisfied before an application can be made for a GEP or a Contract for Services Employment Permit.

Changes:

- Employers no longer need to place adverts for vacancies in print media.
- Employer's must place the adverts with the Department of Social Protection/EURES Employment Network (i.e. JobsIreland.ie) and an additional online platform for a minimum of 28 continuous days. The online platform can be any website, software or electronic technology that provides online publication of information, with the principal purpose being to publish offers of employment.

#### Impact on subcontractor and agency arrangements

Subcontracting entities will now be allowed access to the employment permits system in the same manner as a main contractor.

Employment agencies were previously prohibited from obtaining employment permits for their agency workers. The new system will allow for employment permits to be issued where the salary of a permit holder is being paid by an entity other than the employer. This allows employment agencies to be listed as the employer of the permit holder, even when the individual will be carrying out work for a client of that employment agency.

#### Improvements in efficiency and administration of the employment permit system

The Act aims to improve efficiency in the employment permit system. The main changes are:

##### **Changing Employer**

- Employment permit holders can change employer after 9 months, previously it was 12 months.
- There is discretion to grant a new permit before the 9-month period in cases of a change of circumstances or instances of exploitation.
- The requirement to apply for a new employment permit has been removed provided the employment permit holder is moving within the same occupational classification as their existing employment permit.

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### Progression and Promotion

- Previously, a material change in terms of employment (e.g. promotion, uplift in salary, change in role) could require the permit holder to make new permit application. This is no longer required provided the permit holder will be using the same skills and the employment remains eligible for an employment permit.

### Indexation

- A provision ensures remuneration thresholds for employment permits remain in line with average wage growth, preventing stagnation in these thresholds.

### Automatic Cancellation of Employment Permits

- Existing permits will now be cancelled automatically upon a new one being granted.

### Amending Employment Permit Applications

- Amendments can now be made to existing applications without the need for full resubmission.

### Six-month rule

- Employment permit holders must begin employment within 6 months of the date that the employment permit is granted or comes into force.

### Seasonal Employment Permits

In 2025, The Seasonal Employment Permit will be launched. This will be a short-term employment permit for a maximum of seven months per calendar year in seasonally recurrent employment. It is designed to support specific economic sectors.

**This is a high level general update only. Legal advice should be obtained on specific circumstances.**