



STATUTORY INSTRUMENTS.

S.I. No. 163 of 2018



EMPLOYMENT PERMITS (AMENDMENT) (NO. 2) REGULATIONS
2018

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2018

I, HEATHER HUMPHREYS, Minister for Business, Enterprise and Innovation, in exercise of the powers conferred on me by sections 14, 29 and 30 (as amended by sections 17, 29 and 30 of the Employment Permits (Amendment) Act 2014 (No. 26 of 2014)) of the Employment Permits Act 2006 (No. 16 of 2006) (as adapted by the Jobs, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 364 of 2017)), hereby make the following regulations:

Citation

1. (1) These Regulations may be cited as the Employment Permits (Amendment) (No. 2) Regulations 2018.

(2) The Principal Regulations, the Regulations of 2018 and these Regulations may be cited together as the Employment Permits Regulations 2017 and 2018 and shall be construed together as one.

Commencement

2. These Regulations come into operation on 21 May 2018.

Definitions

3. In these Regulations—

“Principal Regulations” means the Employment Permits Regulations 2017 (S.I. No. 95 of 2017);

“Regulations of 2018” means the Employment Permits (Amendment) Regulations 2018 (S.I. No. 70 of 2018).

Amendment of Regulation 4(3) of Principal Regulations

4. Regulation 4(3)(c)(II) of the Principal Regulations is amended by substituting “tax clearance access number and tax reference number” for “tax clearance certificate”.

Amendment of Regulation 6(3) of Principal Regulations

5. Regulation 6(3)(b) of the Principal Regulations is amended by substituting “tax clearance access number and tax reference number” for “tax clearance certificate”.

Amendment of Regulation 8 of Principal Regulations

6. Regulation 8 (as amended by Regulation 5 of the Regulations of 2018) of the Principal Regulations is amended—

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 18th May, 2018.*

(a) in paragraph (2)—

(i) in subparagraph (l), by substituting “the application is made; and” for “the application is made.”, and

(ii) by inserting after subparagraph (l) the following subparagraph:

“(m) in the case of an application for a General Employment Permit in respect of employment as a horticulture worker, meat processor operative or dairy farm assistant, a copy of a declaration signed by the person who makes the offer of employment that that person will ensure the foreign national concerned has access to suitable accommodation and training (including language training).”, and

(b) in paragraph (3)(d)(II), by substituting “tax clearance access number and tax reference number” for “tax clearance certificate”.

Amendment of Regulation 9(2) of Principal Regulations

7. Regulation 9(2)(h) of the Principal Regulations is amended by substituting “tax clearance access number and tax reference number” for “tax clearance certificate”.

Amendment of Regulation 29(1) of Principal Regulations

8. Regulation 29(1) of the Principal Regulations is amended—

(a) in subparagraph (c), by substituting “remuneration is €13.31,” for “remuneration is €13.31, or”,

(b) in subparagraph (d), by substituting “remuneration is €13.56,” for “remuneration is €13.56, or”, and

(c) by inserting after subparagraph (d) the following subparagraph:

“(dd) in the case of employment as a horticulture worker, meat processor operative or dairy farm assistant, the minimum remuneration is €22,000 and in respect of which the minimum hourly rate of remuneration is €10.85, or”.

Amendment of Regulation 30 of Principal Regulations

9. Regulation 30 (as amended by Regulation 10 of the Regulations of 2018) of the Principal Regulations is amended by inserting after paragraph (4) the following paragraph:

“(5) The maximum number of General Employment Permits that may be granted in respect of employment—

(a) as a horticulture worker is 500,

(b) as a meat processor operative is 250, and

(c) as a dairy farm assistant is 50,

and the period during which those maximum numbers shall be granted is the period up until those maximum numbers of permits are granted.”

Amendment of Schedule 4 to Principal Regulations

10. The Principal Regulations are amended by substituting for Schedule 4 the Schedule set out in the Schedule to these Regulations.

Schedule

New Schedule 4 to the Principal Regulations

“Regulations 18, 29, 31, 36, 43, 61

Schedule 4

Employments in respect of which an employment permit shall not be granted

SOC-3	Categories of employment	SOC-4	Employment
122	Managers in Hospitality and Leisure Services	1221	Hotel and accommodation managers
		1223	Restaurant and catering establishment managers
		1224	Publicans and managers of licensed premises
		1225	Leisure and sports facilities managers
		1226	Travel agency managers
124	Managers in Health and Care Services	1242	Residential, day and domiciliary care managers
125	Managers in Other Services	1251	Property, housing and estate managers
		1252	Garage managers
		1253	Hairdressing and beauty salon managers
		1254	Shopkeepers — wholesale and retail
		1255	Waste disposal and environmental services managers
		1259	Other managers in other services not elsewhere classified (includes Betting shop manager, Graphic design manager, Library manager, Plant hire manager, Production manager)
222	Therapy Professionals	2221	Physiotherapists (with the exception of a physiotherapist affiliated to a particular sporting organisation applying for a Sport and Cultural Employment Permit)
		2222	Occupational therapists
		2223	Speech and language therapists
		2229	Other therapy professionals not elsewhere classified (with the exception of orthoptists, and chiropractors who are members of the Chiropractic Association of Ireland)

SOC-3	Categories of employment	SOC-4	Employment
244	Welfare Professionals	2442	Social workers
		2443	Probation officers
		2449	Other welfare professionals not elsewhere classified
311	Science, Engineering and Production Technicians	3114	Building and civil engineering technicians
312	Draughtspersons and Related Architectural Technicians	3121	Architectural and town planning technicians
		3122	Draughtspersons
321	Health Associate Professionals	3216	Dispensing opticians
		3217	Pharmaceutical technicians
		3218	Dental technicians only
		3219	Other health associate professionals not elsewhere classified (includes Acupuncturists, Homeopaths, Hypnotherapists, Massage therapists, Reflexologists, Sports therapists)
323	Welfare and Housing Associate Professionals	3231	Youth and community workers
		3233	Child and early years officers
		3234	Housing officers
		3235	Counsellors
		3239	Other welfare and housing associate professionals not elsewhere classified
331	Protective Service Occupations	3311	NCOs and other ranks
		3312	Police officers (sergeant and below)
		3313	Fire service officers (watch manager and below)
		3314	Prison service officers (below principal officer)
		3315	Police community support officers
		3319	Other protective service associate professionals not elsewhere classified
344	Sports and Fitness Occupations	3443	Fitness instructors
352	Legal Associate Professionals	3520	Legal associate professionals (with the exception of employment of a person fluent in the official language, apart from English, of a State which is not a member of the EEA and who has market knowledge of that non-EEA state)
354	Sales, Marketing and Related Associate Professionals	3544	Estate agents and auctioneers
		3546	Conference and exhibition managers and organisers

SOC-3	Categories of employment	SOC-4	Employment
356	Public Services and Other Associate Professionals	3561	Public services associate professionals
		3563	Vocational and industrial trainers and instructors (with the exception of mobility instructors for the visually impaired)
		3564	Careers advisers and vocational guidance specialists
		3565	Inspectors of standards and regulations
		3567	Health and safety officers
411	Administrative Occupations: Government and Related Organisations	4112	National government administrative occupations
		4113	Local government administrative occupations
412	Administrative Occupations: Finance	4121	Credit controllers (with the exception of employment of a person fluent in the official language, apart from English, of a state which is not a Member State of the EEA, in a role in credit control where the employment is supported by an enterprise development agency)
		4122	Book-keepers, payroll managers and wages clerks (with the exception of employment of a person fluent in the official language, apart from English, of a state which is not a Member State of the EEA in a role in accounts payable where the employment is supported by an enterprise development agency)
		4123	Bank and post office clerks
		4124	Finance officers
		4129	Other financial administrative occupations not elsewhere classified
		413	Administrative Occupations: Records
		4132	Pensions and insurance clerks and assistants
		4133	Stock control clerks and assistants
		4134	Transport and distribution clerks and assistants
		4135	Library clerks and assistants
		4138	Human resources administrative occupations
415	Other Administrative Occupations	4151	Sales administrators
		4159	Other administrative occupations not elsewhere classified

SOC-3	Categories of employment	SOC-4	Employment
416	Administrative Occupations: Office Managers and Supervisors	4161	Office managers
		4162	Office supervisors
421	Secretarial and Related Occupations	4211	Medical secretaries
		4212	Legal secretaries
		4213	School secretaries
		4214	Company secretaries
		4215	Personal assistants and other secretaries
		4216	Receptionists
		4217	Typists and related keyboard occupations
511	Agricultural and Related Trades	5111	Farmers
		5112	Horticultural trades
		5113	Gardeners and landscape gardeners
		5114	Groundsmen and greenkeepers
		5119	Other agricultural and fishing trades not elsewhere classified
521	Metal Forming, Welding and Related Trades	5211	Smiths and forge workers
		5212	Moulders, core makers and die casters
		5213	Sheet metal workers
		5214	Metal plate workers, and riveters
		5215	Welding trades (with the exception of TIG and MIG welders)
		5216	Pipe fitters
522	Metal Machining, Fitting and Instrument Making Trades	5225	Air-conditioning and refrigeration engineers
523	Vehicle Trades	5231	Vehicle technicians, mechanics and electricians (with the exception of vehicle technicians and mechanics affiliated to a particular sporting organisation applying for a Sport and Cultural Employment Permit)
		5232	Vehicle body builders and repairers
		5234	Vehicle paint technicians
		5236	Boat and ship builders and repairers
		5237	Rail and rolling stock builders and repairers
524	Electrical and Electronic Trades	5241	Electricians and electrical fitters
		5244	TV, video and audio engineers
		5249	Other electrical and electronic trades not elsewhere classified

SOC-3	Categories of employment	SOC-4	Employment
525	Skilled Metal, Electrical and Electronic Trades Supervisors	5250	Skilled metal, electrical and electronic trades supervisors
531	Construction and building trades	5312	Bricklayers and masons
		5313	Roofers, roof tilers and slaters
		5314	Plumbers and heating and ventilating engineers
		5315	Carpenters and joiners
		5316	Glaziers, window fabricators and fitters
		5319	Other construction and building trades not elsewhere classified
532	Building Finishing Trades	5321	Plasterers
		5322	Floorers and wall tilers
		5323	Painters and decorators
533	Construction and Building Trades Supervisors	5330	Construction and building trades supervisors
541	Textiles and Garments Trades	5411	Weavers and knitters
		5412	Upholsterers
		5413	Footwear and leather working trades
		5414	Tailors and dressmakers
		5419	Other textiles, garments and related trades not elsewhere classified
542	Printing Trades	5421	Pre-press technicians
		5422	Printers
		5423	Print finishing and binding workers
543	Food Preparation and Hospitality Trades	5431	Butchers (with the exception of boners (meat))
		5432	Bakers and flour confectioners
		5433	Fishmongers and poultry dressers
		5434	Chefs (with the exception of— <ul style="list-style-type: none"> • Executive Chef with minimum of 5 years' experience at that level • Head Chef with minimum of 5 years' experience at that level • Sous Chef with minimum of 5 years' experience at that level • Chef de Partie with minimum of 2 years' experience at that level)
		5435	Cooks
		5436	Catering and bar managers
544	Other Skilled Trades	5441	Glass and ceramics makers, decorators and finishers
		5442	Furniture makers and other craft woodworkers

SOC-3	Categories of employment	SOC-4	Employment
		5443	Florists
		5449	All other skilled trades not elsewhere classified
612	Childcare and Related Personal Services	6121	Nursery nurses and assistants
		6122	Childminders and related occupations
		6125	Teaching assistants
		6126	Educational support assistants
613	Animal Care and Control Services	6131	Veterinary nurses
		6132	Pest control officers
		6139	Other animal care services occupations not elsewhere classified (includes work riders)
614	Caring Personal Services	6141	Nursing auxiliaries and assistants
		6142	Ambulance staff (with the exception of paramedics)
		6143	Dental nurses
		6144	Houseparents and residential wardens
		6145	Care workers and home carers (with the exception of a carer in a private home)
		6146	Senior care workers
		6147	Care escorts
		6148	Undertakers, mortuary and crematorium assistants
621	Leisure and Travel Services	6211	Sports and leisure assistants
		6212	Travel agents
		6214	Air travel assistants
		6215	Rail travel assistants
		6219	Other leisure and travel service occupations not elsewhere classified (with the exception of tourist guides fluent in the official language, apart from English, of a state which is not a Member State of the EEA)
622	Hairdressers and Related Services	6221	Hairdressers, barbers, and related occupations
		6222	Beauticians and related occupations
623	Housekeeping and Related Services	6231	Housekeepers and related occupations
		6232	Caretakers
624	Cleaning and Housekeeping Managers and Supervisors	6240	Cleaning and housekeeping managers and supervisors

SOC-3	Categories of employment	SOC-4	Employment
711	Sales Assistants and Retail Cashiers	7111	Sales and retail assistants
		7112	Retail cashiers and check-out operators
		7113	Telephone salespersons
		7114	Pharmacy and other dispensing assistants
		7115	Vehicle and parts salespersons and advisers
712	Sales Related Occupations	7121	Collector salespersons and credit agents
		7122	Debt, rent and other cash collectors
		7123	Roundspersons and van salespersons
		7124	Market and street traders and assistants
		7125	Merchandisers and window dressers
		7129	Other sales related occupations not elsewhere classified
713	Sales Supervisors	7130	Sales supervisors
721	Customer Service Occupations	7211	Call and contact centre occupations (with the exception of employment of a person fluent in the official language, apart from English, of a state which is not a Member State of the EEA, where the employment is supported by an enterprise development agency and is in— <ul style="list-style-type: none"> • a customer service and sales role with relevant product knowledge, • a specialist online digital marketing and sales role, or • a specialist language support and technical sales support role)
		7213	Telephonists
		7214	Communication operators
		7215	Market research interviewers
		7219	Other customer service occupations not elsewhere classified
722	Customer Service Managers and Supervisors	7220	Customer service managers and supervisors
811	Process Operatives	8111	Food, drink and tobacco process operatives (with the exception of— <ul style="list-style-type: none"> • Computer Numerical Control Operative • meat processor operative)

SOC-3	Categories of employment	SOC-4	Employment
		8112	Glass and ceramics process operatives (with the exception of Computer Numerical Control Operative)
		8113	Textile process operatives (with the exception of Computer Numerical Control Operative)
		8114	Chemical and related process operatives (with the exception of Computer Numerical Control Operative)
		8115	Rubber process operatives (with the exception of Computer Numerical Control Operative)
		8116	Plastics process operatives (with the exception of Computer Numerical Control Operative)
		8117	Metal making and treating process operatives (with the exception of Computer Numerical Control Operative)
		8118	Electroplaters (with the exception of Computer Numerical Control Operative)
		8119	Other process operatives not elsewhere classified (with the exception of Computer Numerical Control Operative)
812	Plant and Machine Operatives	8121	Paper and wood machine operatives (with the exception of Computer Numerical Control Operative)
		8122	Coal mine operatives (with the exception of Computer Numerical Control Operative)
		8123	Quarry workers and related operatives (with the exception of Computer Numerical Control Operative)
		8124	Energy plant operatives (with the exception of Computer Numerical Control Operative)
		8125	Metal working machine operatives (with the exception of Computer Numerical Control Operative)
		8126	Water and sewerage plant operatives (with the exception of Computer Numerical Control Operative)
		8127	Printing machine assistants (with the exception of Computer Numerical Control Operative)
		8129	Other plant and machine operatives not elsewhere classified (with the exception of Computer Numerical Control Operative)

SOC-3	Categories of employment	SOC-4	Employment
813	Assemblers and Routine Operatives	8131	Assemblers (electrical and electronic products)
		8132	Assemblers (vehicles and metal goods)
		8133	Routine inspectors and testers
		8134	Weighers, graders and sorters
		8135	Tyre, exhaust and windscreen fitters
		8137	Sewing machinists
		8139	Other assemblers and routine operatives not elsewhere classified
814	Construction Operatives	8141	Scaffolders, stagers and riggers
		8142	Road construction operatives
		8143	Rail construction and maintenance operatives
		8149	Other construction operatives not elsewhere classified
821	Road Transport Drivers	8211	Large goods vehicle drivers (with the exception of heavy goods vehicle drivers who have— (a) a category CE or C1E driving licence, or (b) an equivalent category to a category CE or C1E driving licence identified through a mutual recognition agreement between the Road Safety Authority and the appropriate regulatory authority in another jurisdiction).
		8212	Van drivers
		8213	Bus and coach drivers
		8214	Taxi and cab drivers and chauffeurs
		8215	Driving instructors
822	Mobile Machine Drivers and Operatives	8221	Crane drivers
		8222	Fork-lift truck drivers
		8223	Agricultural machinery drivers
		8229	Other mobile machine drivers and operatives not elsewhere classified
823	Other Drivers and Transport Operatives	8231	Train and tram drivers
		8232	Marine and waterways transport operatives
		8233	Air transport operatives
		8234	Rail transport operatives
		8239	Other drivers and transport operatives not elsewhere classified

SOC-3	Categories of employment	SOC-4	Employment
911	Elementary Agricultural Occupations	9111	Farm workers (with the exception of dairy farm assistant)
		9112	Forestry workers
		9119	Other fishing and other general agriculture occupations not elsewhere classified (with the exception of horticulture worker)
912	Elementary Construction Occupations	9120	Elementary construction occupations
913	Elementary Process Plant Occupations	9132	Industrial cleaning process occupations
		9134	Packers, bottlers, canners and fillers
		9139	Other elementary process plant occupations not elsewhere classified
921	Elementary Administration Occupations	9211	Postal workers, mail sorters, messengers and couriers
		9219	Other elementary administration occupations not elsewhere classified
923	Elementary Cleaning Occupations	9231	Window cleaners
		9232	Street cleaners
		9233	Cleaners and domestics
		9234	Launderers, dry cleaners and pressers
		9235	Refuse and salvage occupations
		9236	Vehicle valeters and cleaners
		9239	Other elementary cleaning occupations not elsewhere classified
924	Elementary Security Occupations	9241	Security guards and related occupations
		9242	Parking and civil enforcement occupations
		9244	School midday and crossing patrol occupations
		9249	Other elementary security occupations not elsewhere classified
925	Elementary Sales Occupations	9251	Shelf fillers
		9259	Other elementary sales occupations not elsewhere classified
926	Elementary Storage Occupations	9260	Elementary storage occupations

SOC-3	Categories of employment	SOC-4	Employment
927	Other Elementary Services Occupations	9271	Hospital porters
		9272	Kitchen and catering assistants
		9273	Waiters and waitresses
		9274	Bar staff
		9275	Leisure and theme park attendants
		9279	Other elementary services occupations not elsewhere classified
All	Work in the private home	All	Domestic operatives

Note: ‘SOC-3’ and ‘Soc-4’ refer to applicable levels in the Standard Occupational Classification system (SOC 2010)’



GIVEN under my Official Seal,
14 May 2018.

HEATHER HUMPHREYS,
Minister for Business, Enterprise and Innovation.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Employment Permits Regulations 2017 to provide for the removal of meat processor operatives, horticulture workers and dairy farm assistants from Schedule 4. They also set the maximum numbers of General Employment Permits that may be granted in respect of such employments, the minimum annual remuneration applicable for the grant of such permits and additional information, evidence and documentation requirements for foreign nationals applying for such permits.

These Regulations also amend the Employment Permits Regulations 2017 to refer to “tax clearance access number and tax reference number” instead of “tax clearance certificate”.

These Regulations may be cited as the Employment Permits (Amendment) (No. 2) Regulations 2018.

These Regulations come into operation on 21 May 2018.

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