

Employment Permits Act 2024 Overhauls Employment Permits System

July 16, 2024



On 26 June 2024, President Higgins signed the Employment Permits Act 2024 (the Act) into law. The Act requires a commencement order before it comes into force. At the moment, there is no indication when the commencement order will be made.

The purpose of the Act is to consolidate and update employment permits legislation. Once the Act is in force, it will repeal existing employment permit legislation. The Act will introduce important changes to the employment permits system. These include enabling an employment permit holder to change employers while remaining on their current permit. Additionally, there will be a provision for a new seasonal employment permit. Secondary legislation (the Regulations), which will set out operational matters referenced in the Act, has yet to be published.

The main changes to the employment permits system will be:

1. Change of employer:

The Act will allow holders of a general employment permit (GEP) or a critical skills employment permit to apply to change employer after a certain period, subject to having at

least two months left on their current permit at the time of application. The permit holder or the new employer must apply to the Minister for Enterprise, Trade and Employment, who must approve the application before the permit holder may start working for the new employer.

The application will not be for a new employment permit. Rather, once an application under this procedure is granted, the permit holder will be permitted to work out the remaining time on their current permit with their new employer.

The Act will allow the permit holder to carry out a role for the new employer that is different to the role the permit holder carries out for their current employer.

It is not yet clear how long a permit holder will need to work for their current employer before they can apply to work for a new employer under this process. These details, along with the information and documents needed for the application, will be set out in the Regulations once the Act comes into force.

2. Seasonal employment permits (SEP):

The Act will introduce a new employment permit type for seasonal workers. Employers who wish to use this new permit type will be required to apply annually to be approved as seasonal employers. A pilot scheme will run in 2025, which will be limited to specific employers in the horticultural sector, particularly in the soft fruit sector, before rolling out the SEP more generally.

3. Labour market needs test (LMNT):

Currently, employers who intend to apply for a GEP or a contract for services employment permit must generally first comply with the LMNT. Employers intending to apply for a SEP will also need to comply with the LMNT before applying for the permit when the Act comes into force.

The LMNT currently requires employers to advertise the role, which will be the subject of the permit application, on various platforms/media for at least 28 days prior to the application. Employers must also advertise online and in print newspapers to comply with the LMNT.

Advertising in print newspapers will no longer be required when the Act comes into force. Regulations will outline the online platform(s) on which a role will need to be advertised and the minimum duration for which a role will need to be advertised to satisfy the LMNT.

4. Notification that an employment permit is no longer in force:

When the Minister receives notice in writing that an employment permit holder's employment is terminated, for whatever reason, the Act requires the Minister to notify the permit holder and the employer in writing that the employment permit is cancelled. The

Minister is under no such obligation under the current legislation, although it is the practice of the authorities to confirm to the party notifying the Minister of the termination of employment that the employment permit has been cancelled.

5. Change of details of employee:

An employee will be obliged to notify the if their home address or email address changes. While current legislation does not require permit holders to notify the authorities of such changes, we recommend doing so in any event when this information changes.

How Can We Help You?

Please contact Alicia Compton, Richard Smith or your usual William Fry contact if you have any questions in relation to the current work permission regime or in relation to the revised system of employment permits, as set out in this note.

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