Minutes of the Cross-Departmental Oversight Committee Meeting
(Atypical Workers Permission Scheme (Non-EEA Crew))
29th May 2019

Location: Agriculture House, Kildare Street, Dublin 2.
Chair: Dr. Cecil Beamish **(Department of Agriculture, Food and the Marine)**

Attendees: **Department of Agriculture, Food and the Marine** (**DAFM**)
(Kevin Moriarty, Dr. Deirdre Kelleher, Brian Batt, Josephine Kelly, Helena Horan)
Department of Business, Enterprise and Innovation (**DBEI**) (Tara Coogan),
Department of Justice and Equality (**DBEI**) (Susan Gibney),
Department of Transport, Tourism and Sport (**DTTS**) (John Russell)**,**
Department of Employment Affairs and Social Protection (**DEASP**) (Mark Doheny)**,**
Chief State Solicitors Office (CSSO) (Martin Hayes).

1. **Mediation Agreement**
   a. The Committee discussed the terms of the Mediation Agreement and received updates on the changes required by it.

   b. DJE has a draft letter ready to issue, as required, to notify fishers that it has come to the attention of DJE that the fisher's contract has ceased and to notify them that they should furnish details of a new contract within 28 days. There is a tender already in place in DJE for translation services and DAFM is also hoping to facilitate solicitors associated with the Scheme use this service to provide a copy of the contract in the fisher's own language. DAFM will be adding a new term to the certification by solicitor document to ensure the fisher has received a copy of the contract in the fisher's own language.

   c. DAFM has amended the existing template contract, as required by the Agreement, this is currently with the WRC for its input. WRC is also working on updating the content relating to the Scheme on its website. A link to this site will be contained in the approval letter issued by DJE. DJE is also requesting contact details from all applicants to the Scheme going forward in order to make it easier to contact participants relating to any changes to the Scheme.

   d. The Committee agreed to issue all current Scheme participants with a letter updating them on the terms of the Scheme following the Mediation Agreement. If it is not possible to contact an individual fisher this letter will be sent to the solicitor who dealt with the participant's application.

   e. DBEI stressed that the rights contained at point 11 have always existed; it will continue to monitor employer compliance in this area. The WRC and MSO are implementing the timescales as outlined in the appendix to the Mediation Agreement. DTTAS is to update next meeting regarding the transposing of EU Directive 2017/159.

   f. In relation to the WRC adjudicators having jurisdiction over violations of SI 709/2003, DBEI and DTTAS are working on facilitating this aspect. They are to update the Committee at the next meeting.

   g. DJE confirmed that it monitors for violations of the Scheme. It advised that repeat offenders of serious breaches would not be issued further permits under the Scheme and the Committee would be informed should this arise.

   h. DAFM proposed that the minutes from meetings of the Oversight Committee be published on www.agriculture.gov.ie to allow access for all interested parties. This was agreed by the Committee.

i. It was also agreed that stakeholders who provide written submissions to the Committee in advance of the next meeting will be invited to part of the next meeting to discuss their submissions.

2. Review of Stakeholder Submissions

a. In advance of this meeting three written representations were received from- the International Transport Workers Federation (ITF); the Irish Fish Producers Organisation (IFPO); the Irish South and East Fish Producers Organisation (ISEFPO). The Committee reviewed these submissions and will discuss these and any other submissions received at the next meeting.

3. Current Uptake of Scheme

a. DAFM advised that from its records there were 211 live applications in the Scheme as of 24/05/2019.

b. DJE advised that in 2019 to date 23 new applications had been received, 26 renewals and 5 transfers of employer. In 2018 there were 65 new applications, 130 renewals and 14 transfers of employer. There are approximately 200 current participants on the Scheme.

4. AOB

a. DAFM proposed that the Risk Profiling & Inspection Group, consisting of the relevant control authorities and other related Government Departments/Offices, chaired by DBEI, be reconvened. There was general consensus with this proposal. DBEI agreed to update the Oversight Committee on same at the next meeting.

b. DTTAS raised the issue of the procedures as to how the Oversight Committee would conduct its meetings. The Group agreed that this will be discussed/reviewed on an ongoing basis.

c. DBEI advised that it is in the process of writing to the ILO updating it as to the position following the mediation. DAFM indicated that it would send a similar update to DG MARE, EU Commission, to highlight and emphasise the work that has been done in relation to the Scheme.

d. A date of 23 July 2019 was agreed for the next Oversight Committee meeting.

e. That concluded the business of the meeting.

Appendix 1

Oversight Committee Meeting

Atypical Worker Permission Scheme (Non-EEA Crew)

29th May 2019

Location: Department of Agriculture, Food and the Marine, Agriculture House,

Kildare Street, Dublin 2

Agenda

1. Mediation agreement
    - overview of agreement and discussion of enhancements/changes required following the agreement
    - stakeholder submissions
    - agree who will make necessary changes to documents etc
    - Consultation arrangements for stakeholders going forward
2. Current uptake of scheme
3. Next Steps
    - Next meeting
4. AOB