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EUROPEAN SOCIAL CHARTER

13th National Report on the implementation
of the European Social Charter

submitted by

THE GOVERNMENT OF IRELAND

- Articles 1, 9, 10, 15, 18, 20, 24 and 25 for the period 01/01/2011 - 31/12/2014
- Complementary information on Article 4§2 (Conclusions 2014)

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Ireland's 13th Report on the Revised European Social Charter

**2012 Conclusions- Article 1.1, 1.2, 1.3, 1.4, 9, 10.1, 10.2, 10.3, 10.4, 10.5,
15.1, 15.2, 15.3, 18.1, 18.2, 18.3, 18.4, 20, 24, 25**

2014 Conclusions- Article 4.2

2012 Conclusions

Article 1.1 – The right to work

With a view to ensuring the effective exercise of the right to work, the Parties undertake:

- 1 to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;

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The employment situation in Ireland has changed considerably since the ninth report. Having fallen by over 330,000 from a peak of 2.16 million in early 2008, employment has been growing again since mid-2012. By the second quarter of 2015, the level of employment (seasonally adjusted) had reached 1.96 million – up by 130,000 from the lowest level reached in 2012. The employment rate, having reached 70% at the peak of the employment boom, fell as low as 58% in early 2012; by Q2 2015 it had recovered to 63.1%.

The recovery in employment has been entirely in full-time employment. Part-time employment has been stable over the last three years. The number of involuntary part-timers – those who would prefer to work longer hours – which had increased substantially in the recession has fallen by over 37,000. About a quarter of all part-time workers are now involuntary, down from a third in 2012.

Youth unemployment, having fallen from a peak of over 30% in early 2012, has continued to decline over the last year, from 23.0% in August 2014 to 20.7% in August 2015. These trends have been reflected in a continuing decline in the number of young people unemployed from 69,000 (seasonally adjusted) in August 2012 to 44,900 in August 2014 and to 38,800 in August 2015.

Long-term unemployment among young people also rose sharply in the recession, from 8,000 in 2007 to a peak of 35,000 in mid-2012 (46% of the young unemployed at that time). However, the long-term share in youth unemployment has fallen to 31% during the recovery, so that the number of young long-term unemployed fell to 13,000 in Q2 2015, a third of the level seen in 2012.

Employment Policy

The update on the *Pathways to Work Strategy* and the Youth Guarantee Implementation Plan outlines the significant changes that have taken place with respect to employment policy and the delivery of employment policies in Ireland since the ninth report.

Specifically, in response to the committee's question on assessment of outcomes of Irish active labour market programmes, it should be noted the *Pathways to Work 2015 Strategy* commits the Government to undertaking a comprehensive econometric evaluation of the impacts on employment outcomes of a range of *Pathways to Work* reforms, including *Active Labour Market Programmes* and processes.

Action Plan for Jobs

In February 2012, the Government launched the first Action Plan for Jobs (APJ) to address the unemployment crisis and increase the number of people at work in Ireland by 100,000 by 2016. The APJ is a whole of government, multi-annual initiative which mobilises all Government Departments to work towards the objective of supporting job creation. The fourth APJ was

published in January 2015. The APJ process is monitored on a quarterly basis to ensure delivery and quarterly progress reports are published¹.

The Government's Pathways to Work policy is complementary to the APJ, and is designed to ensure that the increase in employment generated by the APJ actions translates into a reduction in the number of people dependent on jobseeker payments and in particular those who are in long term receipt of jobseeker payments. This twin approach has proven to be effective in bringing about a jobs recovery.

Since the first APJ was launched in Q1 2012, 126,000 more people are at work and unemployment has fallen from a peak of 15.1 per cent to 9.6 per cent in Q2 2015². In the year to Q2 2015, 58,000 jobs have been created – almost all of which are full time. Employment grew by 19,000 over the previous quarter (an increase of one per cent). This is the fastest rate of quarterly employment growth during the year to Q2 2015.

Labour market participation increased from 59.8 per cent in Q2 2014 to 60 per cent in Q2 2015. The male participation rate increased from 67.5 per cent to 67.7 per cent over the period while the female participation rate rose from 52.4 per cent to 52.5 per cent.

In Q2 2015, the unemployment rate fell to 9.6 per cent from 11.6 per cent in Q2 2014, making it the twelfth consecutive quarter where unemployment declined on an annual basis. In Q2 2015 the male unemployment rate was 10.8 per cent, down from 13.3 per cent in Q2 2014, while the female unemployment rate fell from 9.3 per cent to 8.1 per cent over the period. Latest data for September 2015 puts monthly unemployment at 9.4 per cent³.

The long term unemployment rate decreased from 6.8 per cent to 5.5 per cent year on year (to Q2 2015) but long term unemployment still accounts for 56.1 per cent of total unemployment. While the number of unemployed young people (15-24 years) has fallen significantly in the last year (from 52,600 to 41,900 in Q2 2015), the rate of youth unemployment remains high at 22.4 per cent⁴.

The Spring Economic Statement, published in April 2015, emphasised the need to continue to implement policy measures that deliver sustainable improvements in employment, incomes and living standards over the medium term and committed to replacing all of the jobs lost during the economic crisis and delivering sustainable full employment by the end of 2018 i.e. to have 2.1 million people in employment and reduce the unemployment rate to 6.9 per cent⁵.

Pathways to Work Strategy

The *Pathways to Work Strategy*⁶ sets out a comprehensive reform of the State's approach to helping unemployed jobseekers return to work. It was initiated in 2012 and is designed to

¹ For details, see: <https://www.djei.ie/en/What-We-Do/Jobs-Workplace-and-Skills/Action-Plan-for-Jobs/>

² The employment and unemployment data used in this note is based on the seasonally adjusted the CSO's Quarterly National Household Survey (QNHS) data unless otherwise stated.

³ CSO, Monthly Unemployment, September 2015.

⁴ Long term and youth unemployment data is based on the CSO's QNHS Q2 2015 seasonally unadjusted data.

⁵ The Spring Economic Statement is available at: <http://www.finance.gov.ie/sites/default/files/SES.pdf>

⁶ **Pathways to Work** was first launched in 2012. It is a strategy covering a four year period (2012-2015) designed to reverse the dramatic rise in numbers of unemployed jobseekers on the Live Register that took place during the economic crisis.

complement the *Action Plan for Jobs*⁷ as part of a twin-pronged approach to tackling the jobs crisis that emerged in the final years of the last decade. The *Action Plan for Jobs* is focused on stimulating employment growth and the *Pathways to Work Strategy* is making sure that as many as possible of these new jobs, and other vacancies that arise in the economy, are filled by people who are unemployed jobseekers.

Since its inception in 2012, employment and entitlement services have been brought together in ‘one-stop shop’ Intreo centres; new schemes and employment supports have been introduced, while some existing schemes have been expanded; and there has been a transformation of jobseeker services through Intreo. A ‘social contract’ of rights and responsibilities between jobseekers and the State has been implemented. The Further Education and Training (FET) sector has been significantly re-organised and a new five year FET strategy adopted. A Labour Market Council has been established, comprised of industry leaders and labour market specialists to monitor and advise on the implementation of the *Pathways to Work Strategy*.

Pathways reforms adopted earlier continued to have an enhanced impact in 2014 and 2015. The Youth Guarantee Implementation Plan (YGIP), under the *Pathways to Work Strategy*, was also launched in January 2014, and YGIP measures were progressively introduced throughout 2014 and 2015.

It is notable that the ‘jobless growth’ phenomenon that was typical of economic recoveries following other recessions is not being repeated in Ireland. In fact, jobs growth led rather than lagged economic growth. Other signs that the *Pathways* approach has had an impact are that some of the key targets set out have been achieved ahead of time. For example, over 60,000 long-term unemployed people have moved into work since the *Pathways to Work Strategy* was launched, the persistence rate from short-term to long-term unemployment has also fallen from 33% to 29% and the progression to employment rate for people more than two years unemployed has already reached its end of 2015 target of 40%.

Pathways to Work 2015

The 2012 and 2013 *Pathways to Work* intervention targets focused largely on new jobseekers, with on-going measures to enhance engagement with those jobseekers who are long-term unemployed, as resources permitted. *Pathways to Work 2015* includes additional, structured measures to engage the long-term unemployed jobseekers and, through the YGIP, with those who are under 25.

Measures undertaken as part of the 2015 strategy include:

- Implementing a structured process of engagement with people who are long-term unemployed. This will see some 8,500 people being referred to the Intreo activation process each month.
- Rolling out JobPath, a payment by results contract model with third party providers of employment services specifically targeted at long-term unemployed jobseekers.
- Introducing new schemes – FirstSteps and JobsPlus Youth to give effect to commitments made in the Government’s Youth Guarantee Implementation Plan.

⁷ The **Action Plan for Jobs** is a whole-of-Government initiative under which all Government Departments and Agencies work together to deliver on the agreed action points for increasing employment each year.

- Expanding the number of places on JobsPlus, the jobs subsidy specifically designed to support long-term unemployed jobseekers.
- Introducing the Back to Work Family Dividend⁸ to address work incentive/welfare trap issues.
- Providing access to employment services and supports to lone parents transitioning from the One Parent Family Payment.

In addition, it is planned to improve the evaluation of process/programme effectiveness and inform future developments by commissioning quantitative and qualitative assessments of the impact of *Pathways* changes on jobseeker progression to employment and jobseeker satisfaction with services. These evaluations will be conducted with the input and advice of the Labour Market Council, an expert body of employer representatives, trade union representatives, academics and Government officials that advises the Tánaiste and the Minister of State on labour market, activation and employment issues.

⁸ The **Back to Work Family Dividend** scheme, introduced from January 2015, aims to help families to move from social welfare into employment. It gives financial support to people with qualified children who are in or take up employment or self-employment and as a result stop claiming a jobseeker's payment or a one-parent family payment.

JobPath

As part of commitments for enhanced engagement with the long-term unemployed, a new employment services model, JobPath, will be rolled out nationally by the end of 2015. It is a payment by results contract model with third party providers of employment services specifically targeted at long-term unemployed jobseekers. JobPath aims to provide additional capacity to the Public Employment Service in order to enable it engage more systematically with long-term unemployed jobseekers. Referrals to JobPath providers commenced in the second half of 2015.

In support of these enhanced engagement processes, 57,000 FET places will continue to be reserved for long-term unemployed jobseekers in 2015. A minimum of 16,000 places for such jobseekers will also be provided through key public employment programmes. This includes an expansion of the JobsPlus initiative, which is an employment subsidy that incentivises employers to recruit long-term unemployed jobseekers.

Employer Engagement

An important focus of the *Pathways to Work Strategy* is employer engagement. Persuading employers to offer employment opportunities to people who are unemployed is a particularly difficult challenge. Therefore a number of reforms have been initiated under *Pathways to Work*, first by establishing a dedicated section for Employer Engagement in the Department of Social Protection (DSP), which has been developed and expanded during 2014.

In 2015 a number of additional measures were implemented, including:

- establishing a professional account management and sales capability within the Intreo Public Employment Service, targeted at large employers;
- roll-out of the Employer Charter to the top 200 employers – including the “50% unemployed candidates” pledge;
- information sharing with enterprise development agencies to identify in advance new job opportunities and to match these with jobseekers.
- redeveloping and upgrading the <http://jobsireland.ie/> website to better respond to employer and jobseekers needs.
- A core focus of activities in 2015 is better information sharing, communications, early identification of employment opportunities and development of networks at local levels.

Intreo: Integration of Entitlement and Employment Services

Under *Pathways to Work* and building upon earlier reforms, employment services (previously delivered by FÁS) provided by community welfare officers and entitlement services provided by the Department of Social Protection were brought together under the one-stop-shop model of Intreo.

The delivery of the Intreo service comprises a number of elements:

1. The integration of the various welfare decision making processes to speed up decision making and minimise recourse to supplementary welfare payments.
2. The introduction of a profiling process to capture the unique characteristics and service requirements of each jobseeker.
3. The implementation of a systematic group activation engagement and one to one process based on jobseekers’ profiles.

4. The delivery of a ‘one-stop-shop’ service from an integrated office location.

As part of these reforms, requirements to engage in activation supports and services have been adopted as part of the ‘social contract’ between jobseekers and the DSP, with the potential for application of sanctions if they do not engage.

Local Employment Services

Following the merger of FÁS Employment Services into DSP in 2012, the contract relationship for the Local Employment Services (LES) is now between the DSP and the individual contractors. In 2015, the DSP contracted for the provision of LES in 25 locations in a network of offices and outreach locations in designated areas.

Services provided are:

- Assisting persons referred through the DSP activation processes to return to employment by the provision of placement services and a vocational/career guidance service and the referral of clients onto education/training programmes within the context of an agreed Career Action Plan. The LES follow the Intreo model of activation for these clients.
- Assisting those most disadvantaged in the labour market into employment by the provision of specialist high quality support and locally responsive services. These supports include guidance, education/training and employment supports and mediation. These clients include those who are long-term unemployed (LTU), persons in receipt of One Parent Family Payment (OPFP), early school leavers, persons with a disability, qualified adults, women returning to work, travellers, offenders/ex-offenders, refugees and persons with a small farm holding.

Youth Unemployment: The Youth Guarantee

The Government’s primary strategy to tackle youth unemployment is through policies to create the environment for a strong economic recovery by promoting competitiveness and productivity. However, the Government recognises that as the recovery takes hold, there is a need for additional measures to ensure that as many as possible of the jobs created are taken up by unemployed jobseekers and, in accordance with the EU Council recommendation for a Youth Guarantee by young jobseekers in particular. This is the rationale behind the Government’s *Pathways to Work Strategy* and the Youth Guarantee.

Youth unemployment in Ireland, having fallen from a peak of over 30% in early 2012, has continued to decline over the last year, from 23.0% in August 2014 to 20.7% in August 2015. These trends have been reflected in a continuing decline in the number of young people unemployed from 69,000 (seasonally adjusted) in August 2012 to 44,900 in August 2014 and to 38,800 in August 2015.

Long-term unemployment among young people also rose sharply in the recession, from 8,000 in 2007 to a peak of 35,000 in mid-2012 (46% of the young unemployed at that time). However, the long-term share within youth unemployment has fallen to 31% during the recovery, so that the number of young long-term unemployed fell to 13,000 in Q2 2015, a third of the level seen in 2012.

The Youth Guarantee - Progress to date

The Youth Guarantee sets a medium-term objective of ensuring that young people receive an offer of employment, education or training within four months of becoming unemployed. As

under services such as Intreo, Youthreach, VTOS, PLC programmes, and JobBridge, Ireland already had many of the component parts of a Youth Guarantee as suggested by the EU Commission, the main plank of the guarantee in Ireland is to prioritise access to these existing supports for young people, who become unemployed, with the objective of ensuring that they have an opportunity for employment, further education or work experience within the recommended period of four months of becoming unemployed.

In this regard, the first intervention is to provide case officer support to help newly unemployed young people find and secure sustainable jobs. Accordingly, operating processes are being refined in each region to prioritise the early engagement of young people through Intreo to ensure that they all receive expert advice and have access to progression options. In addition, as part of a commitment to engage with 120,000 long-term unemployed people through the Intreo/JobPath process during 2015, engagement with some 13,000 young people who are already long-term unemployed is prioritised. In implementing these processes, DSP is applying learning from the Ballymun Youth Guarantee Pilot Project and making extensive use of the services of Local Employment Services and JobClubs.

For those who do not find employment through the process just described, additional offers are provided for. Most such offers (over 70%) are in existing further education or training programmes. Others are in existing community-based employment programmes such as Community Employment, Gateway⁹ and Tús¹⁰. In addition, new programmes specifically for young people including *JobsPlus* youth – an employment subsidy for unemployed people under 25 years of age which is payable after four months of unemployment and *First Steps* – a work experience programme for very disadvantaged young people have been introduced.

A comprehensive account of the approach to the roll-out of the Youth Guarantee is set out in the Youth Guarantee Implementation Plan published in January 2014

The table on the following page shows the uptake in 2014 on the programmes for unemployed young people that were included in the Youth Guarantee Implementation Plan¹¹.

⁹ **Gateway** is a local authority labour activation scheme that provides short-term work and training opportunities for long-term unemployed people who have been on the Live Register for over 2 years.

¹⁰ **Tús** is a Community Work Placement Scheme that provides short-term work placement opportunities for unemployed people.

¹¹ <http://www.welfare.ie/en/downloads/youth-guarantee-implementation-plan.pdf>

Youth Guarantee Uptake in 2014 (under 25 participants)

Programme	Expected full-year intake	2014	Note
Community Training Centres	1,500	1,778	
Youthreach	1,800	1800	
JobBridge (including developmental internship)	5,000	3,138	First Steps developmental internship commenced in Q1 2015
Tús	1,000	1410	
JobsPlus (JobPlus Youth)	1,500	639	Excludes JobsPlus Youth variant launched in 2015
Momentum	2,000	631	
Back to Education Allowance (excluding Momentum)	3,300	3545	
Back to Work Enterprise Allowance	200	139	
Vocational Training Opportunities Scheme	500	672	
FAS/Solas	9,500	8,659	Specific Skills Training, Traineeship, Bridging & Local Training Initiative
County Enterprise Boards Youth Entrepreneurship Training and Mentoring supports	700	N/A	To be developed *
County Enterprise Boards/Microfinance Ireland - micro-loans for young people	150	10	
International Work Experience and Training	250	N/A	Commencing late 2015
Gateway	450	192	
Community Employment	500	600	
Total	28,350	23,213	

*The initial proposal for the Local Enterprise Boards -LEO's (formerly the -County Enterprise Boards) to provide Youth Entrepreneurship Training and Mentoring supports was subsequently overtaken by the Ireland's Best Young Entrepreneur 2014 competition, which was launched in May 2014. Under this initiative the LEOs and Enterprise Ireland spent €2.1m in investments and targeted business supports on entrepreneurship projects by applicants in the 18-30 age category)

2012 Conclusions

Article 1.2 – The right to work

With a view to ensuring the effective exercise of the right to work, the Parties undertake:

- 2 to protect effectively the right of the worker to earn his living in an occupation freely entered upon;

Prohibition of Discrimination in Employment

Ireland's equality legislation, including redress mechanisms and our infrastructure for promoting and protecting human rights and equality of treatment rights, is kept under ongoing review.

The Irish Human Rights and Equality Commission was established as an independent statutory body on 1st November 2014 following the merger of the Human Rights Commission and the Equality Authority. The Commission will support public bodies in placing equality and human rights consideration at the heart of decision making. A significant innovation in the Irish Human Rights and Equality Commission Act 2014 is the introduction of a positive duty on public bodies to have due regard to human rights and equality in their work and conduct their business in a manner consistent with individual human rights. The Commission will assist public bodies to comply with the positive duty, including by producing guidelines and codes of practice. This means the systematic integration of an equality and human right perspective into everyday work, including changes to organisational cultures so that such a perspective is an integral part of the organisation.

Reform of Employment Rights and Industrial Relations Structures

Following the enactment of the Workplace Relations Act 2015, a number of formerly separate forums for seeking redress on employment-related issues, including the Equality Tribunal which dealt with discrimination issues, have been amalgamated into a single body, the Workplace Relations Commission.

The Committee has asked to be kept apprised of developments regarding reform of the State's employment rights and industrial relations structures. The Workplace Relations Act 2015 was signed into law in May. It constitutes a major piece of public service reform, and was implemented to provide a more streamlined system of providing redress, while still ensuring that the system is accessible to persons who seek to vindicate their rights.

The Workplace Relations Act delivers a two tier Workplace Relations structure. The activities of the Labour Relations Commission, the National Employment Rights Authority, the Equality Tribunal and the first instance functions of the Employment Appeals Tribunal and the Labour Court will be merged into a new Body of First Instance, to be known as the Workplace Relations Commission (WRC). The appellate functions of the Employment Appeals Tribunal will be incorporated into an expanded Labour Court.

The WRC has statutory jurisdiction for facilitating the resolution of disputes under approximately 40 separate pieces of employment, equality and industrial relations legislation, in accordance with best international practice and in compliance with international human rights standards.

Amendment of Redress Provisions in Relation to Employment Discrimination

The redress provisions in relation to employment discrimination were amended by the Civil Law (Miscellaneous Provisions) Act 2011 (No. 23 of 2011)¹². In the case of an employed complainant, or a prospective employee, the maximum amount that can be ordered by the Workplace Relations Commission is 104 times the amount of the claimant's weekly remuneration (i.e. 2 years pay), or €40,000. Ireland is satisfied that these provisions comply with the requirements of the relevant EU Directives and that they are dissuasive. Ireland considers that these provisions are in conformity with Article 1.2 of the Charter.

Job Seekers Benefit

An individual working in Ireland who loses their job or are made redundant may be entitled to Jobseeker's Benefit provided they have sufficient social insurance (PRSI) contributions and are available for and genuinely seeking employment. An EEA migrant may combine their social insurance contributions paid in another EU country to help them qualify for Jobseeker's Benefit.

If an individual is not entitled to Jobseeker's Benefit they may apply for Jobseeker's Allowance. In order to be eligible for this payment an individual must be unemployed, satisfy a means test and be available for and genuinely seeking employment.

In relation to either Jobseeker's Benefit or Jobseeker's Allowance to ensure eligibility an individual must be available for and genuinely seeking employment. In both schemes there is a disqualification where a person has refused an offer of suitable employment. It should be noted that when arriving at a decision on whether this disqualification should apply to a recipient of Jobseeker's Benefit, a Deciding Officer will make a judgement on whether the offer was a suitable offer of full time employment. In making a decision, a Deciding Officer will have regard to the person's skills, qualifications and experience, the length of time they have been unemployed and the availability of job opportunities in the locality. Should a person place restrictions on the distance they are willing to travel to avail of employment, the Deciding Officer will take into consideration the availability of public/private transport and whether these restrictions are reasonable. Should the Deciding Officer consider the restrictions to be unreasonable, they may decide to disqualify the individual from Jobseeker's Benefit. In all cases Deciding Officers assess each case on its individual merits and should an individual be unhappy with a Deciding Officer's decision then they are free to appeal this decision to the Social Welfare Appeals Office. While they are awaiting the outcome of their appeal they may be entitled to Supplementary Welfare Allowance.

¹² A revised text of the Act with all amendments up to 1 October 2015 is available at http://www.lawreform.ie/fileupload/RevisedActs/WithAnnotations/EN_ACT_1998_0021.PDF

Article 1.3 - The right to work

- With a view to ensuring the effective exercise of the right to work, the Parties undertake:
- 3 to establish or maintain free employment services for all workers;

Jobs Ireland – Ireland Free Placement Service (DSP)

JobsIreland.ie is the Department of Social Protection’s National Employment portal. It is administered by the Department’s National Contact Centre (NCC) and provides a service for employers who wish to advertise Job vacancies, Community Employment (CE) Scheme vacancies, Work Placement Programme vacancies and JobBridge internships.

Jobs Ireland is a no cost vacancy advertising service for employers. It provides access to thousands of potential employees by offering a free recruitment service for employers to advertise their job vacancies on its website and across the DSP’s national network of Intreo offices. The service is available to all employers irrespective of size or industry sector. In 2014, the Jobs Ireland service advertised a total of 111,385 job vacancy positions across all industries and sectors in Ireland. To utilise the service, employers must register their details with Jobs Ireland online at www.jobsireland.ie or by phoning Lo Call Tel: 1890 800024 (phone between 10am and 4pm Monday to Friday). Once an employer is registered they can log in and insert their vacancy details online or contact the employer team at the Jobs Ireland National Contact Centre Lo Call 1890 800024. Each vacancy is reviewed by the Jobs Ireland team prior to its publication on the Jobs Ireland website to ensure compliance with employment legislation.

All Jobs Ireland vacancies are advertised

- via the dedicated Jobs Ireland website www.jobsireland.ie ; www.welfare.ie
- through a smartphone app called Jobseeker FAS.ie, available from jobsireland.ie.
- in the network of Intreo Offices – primarily on self- service touch-screen kiosks and window displays.

Vacancy Matching Service

An online matching facility allows employment service staff to search current job vacancies advertised on the Jobs Ireland website and match the job requirements to the jobseekers on the DSP’s database. As part of the matching process, jobseekers are notified of the existence of the relevant vacancy. Employers can also contact their local Intreo office and request jobseeker matches for a job they have on offer.

Jobs Ireland Service Development

The DSP is engaged in a programme to modernise its services. This modernisation programme is fundamental to it’s objective of delivering a comprehensive service to people, positioning the DSP to better adapt to political priorities and changing customer needs, while delivering on internal effectiveness and efficiency goals. As part of the modernisation programme the current Jobs Ireland service will be replaced by an enhanced service in the next year. Advances in technology and availability of upgraded management information systems will further enhance the online service available to all users.

In response to the Committee’s question concerning the number of placements made by the employment services, the DSP’s National Call Centre’s (NCC) undertook a survey for July to December 2014 and this resulted in the data shown in the following table being available.

Number of Applications Received from Jobseekers by Employers

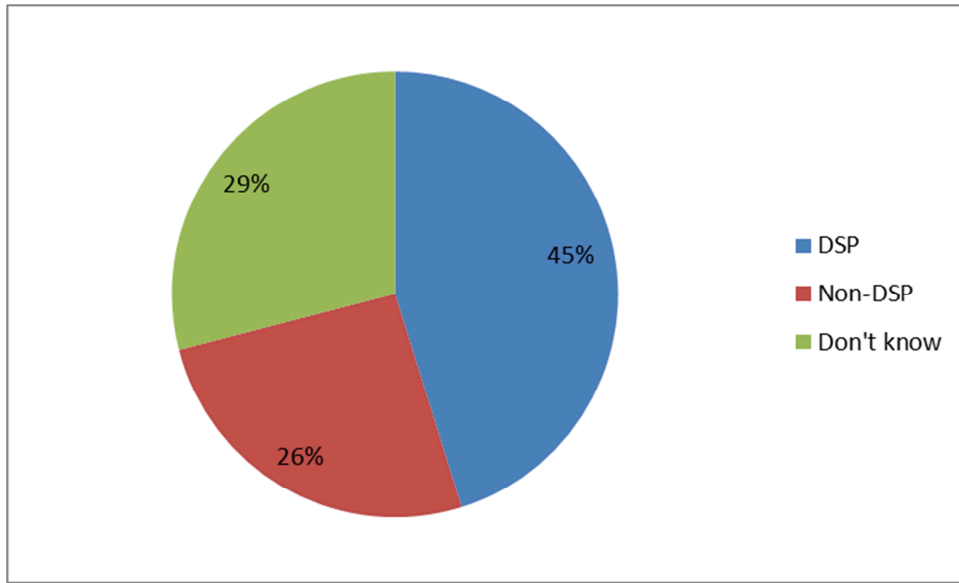
Range	Per cent of Employers
0	5
1-3	2
4-10	26
11-19	29
20+	38
Total	100
Total Responses	42

In terms of vacancy filling, 76% (32 employers) had successfully filled at least one of their vacancies by the time of the survey¹³ (within eight weeks of notification), while 17% had not and 7% did not say.

Employers who had filled their vacancies were asked whether the vacancy had been filled by an employment services-referred candidate. Of employers with filled vacancies, 29% of employers did not know if the selected candidate had come via the employment services. Forty-five per cent of employers who had filled their vacancy said that they had done so with an employment services-referred candidate (or, 64%, excluding the 'don't knows'). These findings are graphically represented in the following chart.

¹³ 7% of the employers had more than one post in the vacancy that they had advertised with the NCC.

Vacancy Filling by Employment Services-Referred Candidates



In reference to the ECSR's request to supply data on the market share of placements by FAS and private employment agencies, indicating their respective total number of placements as a proportion of the total number of persons recruited on the labour market, this data is not available.

Article 1.4 - The right to work

With a view to ensuring the effective exercise of the right to work, the Parties undertake:

4. to provide or promote appropriate vocational guidance, training and rehabilitation.

In the 10 month period Jan 2013 to 26th October (the date FÁS, the former public employment service, was dissolved), FÁS provided over 3.7 million employment related training days to over 70,000 learners. This delivery was in line with Government policy with the majority of this provision targeted to provide support for jobseekers. On 1st January, 2012 the operational responsibility for Employment Services and Programmes transferred from FÁS to the Department of Social Protection. On the 26th October, 2013 FÁS was dissolved, and over a period of approximately nine months following its dissolution, the FÁS training centre network, associate programmes, staff and facilities were transferred to the relevant ETBs.

Please refer also to Articles 9 and 10 of this Report for details on vocational guidance and training.

The total number of people completing FÁS training during the 10 month period January 2013-October 2013 amounted to 71,277 compares with 83,000 for the 12 months of 2012 and 89,452 in 2010 72,706 in 2009 and 40,287 persons in 2008).

During 2013 15,736 (19,209 in 2012) unemployed learners availed of full time specific skills courses while a total of 4,445 (5,234 in 2012) learners participated in FÁS Traineeships, both programmes primarily aimed at skills for employment. Foundation programmes were provided for 1,883 (2,292 in 2012) unemployed learners who were not equipped to undertake a Specific Skills Training courses. A total of 3,516 (3,907 in 2012) early school leavers availed of FÁS funded training in Community Training Centres; a total of 4,743 (5,328 in 2012) learners benefited from training through over 150 Local Training Initiatives; a total of 3,234 (3581 in 2012) learners availed of FÁS funded training delivered through Specialist Training Providers.

Under the Redundant Apprentice Placement Scheme (RAPS) FÁS placed redundant apprentices with an employer in the public or private sector. This enabled them to complete a requisite period of on-the-job development and to then progress to the next off-the-job phase of their apprenticeship. During 2013, 1,117 (2,250 in 2012) redundant apprentices availed of support under RAPS.

Evening Courses provide short up-skilling modules, primarily for unemployed learners and are typically delivered over a 10 week period. In 2013 16,847 individuals availed of evening course training programmes and (21,599 individuals for 2012).

Online courses typically taking from 14 to 24 weeks to complete are designed for individuals who are IT literate and who wish to work at their own pace and in their own time. Blended Learning courses utilise a mix of classroom, practical, online training and tutor support to accommodate learners who require a more flexible way to meet their training objectives. During 2013, 10,250 (11,935 in 2012) unemployed learners undertook FÁS Online or Blended Learning courses, while 385 employed learners also availed of this facility to upgrade their employment skill set.

In 2012 Local Training Initiatives were funded by FÁS. These are now funded by Education and Training Boards. This is a projects based, training and work experience programme which was funded by FÁS and now the ETBs but is carried out in the community in co-operation with local community organisations. It is targeted at unemployed people aged 18– 35 years who

were unable to access other ETB training interventions and who are experiencing difficulty in gaining entry to the labour market due to personal, social, economic or geographic disadvantage. Some projects are designed to support groups experiencing particular disadvantage, such as travellers or homeless people, recovering addicts and former prisoners.

The Back to Education Initiative provided by the former VECs (now the ETBs) provides a range of part time options across FET provision. It is free for adults with less than upper secondary education. Target groups include adults with disabilities, travellers, early school leavers, unemployed etc. participants can access guidance and childcare supports.

Special Initiative for Travellers

The Special Initiative for Travellers (SIT) was introduced in 2005 to provide support for practical approaches to redressing the imbalance in Traveller under-employment, to support Travellers already engaged in the Traveller economy and provide other supports, including training, to address the needs of Travellers. The programme focuses on providing job search, job coaching and other supports for individual Travellers, and assisting with enterprise development.

The SIT is used exclusively to support projects emerging from the Inter-Agency Strategies for the Travelling Community devised under the leadership of County Development Boards. The aim is to enhance local implementation and target delivery of employment support to Travellers. The Initiative is delivered locally by sponsoring organisations.

Responsibility for the programme transferred from FÁS to the Department of Social Protection on 1st January 2012. Discussions held between the Department of Justice & Equality and the Department of Social Protection during 2014 resulted in a decision to transfer the management of the SIT project to the Department of Justice & Equality with effect from 1st January 2015. This decision was made given that the Department of Justice & Equality are moving to implement changes to structures in place for consulting with and improving outcomes for the Traveller Community, at both national and local level. The transfer is aimed at supporting those changes with a particular focus on enhancing the traveller inter-agency approach in the area of employment. The Initiative retains its original objective of providing Traveller support workers and assistance for employment and enterprise development.

Article 9 – The right to vocational guidance

With a view to ensuring the effective exercise of the right to vocational guidance, the Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including schoolchildren, and to adults.

National Employment and Training Services – Organisational Changes

Since the last report, the Further Education and Training Act 2013, provided for the dissolution of FAS and established SOLAS, under the aegis of the Department of Education and Skills (DES), as the new Further Education and Training Authority in Ireland. It is responsible, in conjunction with sixteen Education and Training Boards (ETBs), for funding, planning and co-ordinating training and further education programmes. The former FÁS employment services function was transferred to the Department of Social Protection (DSP) on January 1st 2012. The DSP in providing employment supports works closely with SOLAS and ETBs regarding the referral of individuals for Further Education and Training (FET) and in shaping the role and nature of FET.

Employment Services

Intreo, a streamlined service provided by the Department of Social Protection, is a single point of contact for all employment and income supports. Intreo offers practical, tailored employment services and supports for jobseekers and employers alike.

Supports offered to jobseekers include: employment services and income supports available in one place; expert assistance and advice on employment, training and personal development opportunities; a focus on individual needs to assist jobseekers enter the workforce; self-service facilities to provide information and guidance on employment and training opportunities; access to information on job vacancies through jobsireland.ie; information on the full range of income supports provided by the Department of Social Protection, for example, jobseeker's payments, back to work and back to education payments, one-parent family payments, pensions and others.

The range of services provided at no cost to employers include: employment support and advice on a national and european level, giving access to skilled, job ready candidates; JobBridge internships and work placement services; financial supports through JobsPlus when creating new jobs; workplace supports to assist employees with disabilities; and advice and access to any relevant employment initiatives.

The Department of Social Protection (DSP) also contracts for the provision of the Local Employment Service (LES) with 25 organisations. The LES provides a local gateway, or access point, to the full range of services and facilities that are available to help jobseekers to enter or return to employment. Services are provided to jobseekers referred to the LES through the DSP's activation process and also to clients who engage directly with the service. The aim of the activation process is to assist unemployed people to identify a personal path to help them re-enter the labour market. A group information session is the most likely form of initial engagement followed by subsequent one to one activation interviews with a LES Mediator. Jobseekers are contacted by the DSP advising them of the date, time and location where they must attend.

- Key services provided by the LES include: placement service: registration, career guidance, vacancy matching and placement into employment;

- Progression planning: registration, referral onto education, training or development opportunities/programmes within the context of a career action plan;
- Labour Market information: provision of information and advice on areas that relate to the Jobseekers labour market situation;
- Mediation /Guidance: provision of personalised guidance leading to the development of a career plan; career counselling and referral to third party agencies;
- Jobseeker-Employer Liaison: contact with employers, identification of vacancies suited to Jobseekers and advocating on behalf of jobseekers;
- Post-Employment Programme Assistance: provision of supports to jobseekers experiencing difficulty in accessing employment from labour market programmes;
- Post-Training/Education Programme Assistance: provision of supports to Jobseekers experiencing difficulty in accessing employment from employment related training or education.

Disability Employment Services

The DSP has the responsibility for providing labour market services for people with disabilities, assisting them with finding paid employment or preparing them for employment through a training or employment programme.

Persons with a disability may call into a DSP Intreo Office or Local Employment Service Office to meet with an Employment Services Officer/Mediator who will provide them with full information, advice and guidance in relation to training and employment. People with a disability, who meet the entry criteria, are able to participate in the full range of programmes and services, including mainline training provision and Community Employment. There is also a specialist EmployAbility Service dedicated to improving employment outcomes for job seekers with a disability. Participation in programmes, training or employment is voluntary. The DSP also provides a range of employment support programmes that are demand-led schemes in that the person with a disability applies directly for these grants. The purpose of the grants is to:

- Support unemployed people with disabilities to gain access to the open labour market by providing grants for “reasonable accommodations” in the private sector.
- Support private sector employers and encourage them to employ people with disabilities.

In addition, the Higher Education Authority Fund for Students with Disabilities can provide support for students with a disability. This fund allocates funding to further education colleges as well as higher education institutions for the provision of services and supports to full-time students with disabilities. The fund aims to ensure that students can participate fully in their academic programmes and are not disadvantaged by reason of a disability. Set out below is summary detail of the supports available to persons with a disability (as appropriate) as outlined by the ETBs:

- Assisted technology.
- Visual aids.
- Sign language services.

- Staff supports/staff development.
- Accessibility.
- Personal assistants/small group support.
- Student ‘buddy’ system.
- Transport (where necessary/appropriate).
- Psychological/counselling supports/guidance.
- Reasonable accommodation.
- Specialist training providers.
- Inclusive environment, based on strong equality policy.
- Community education which assists learners with a disability to participate in FET provision by enabling adaption of course content, resources and teaching methodologies to suit learner abilities/needs.
- Participation in the HSE New Direction Group, with a view the mainstream inclusion of people with disabilities.

Further Education and Training: Adult Education Guidance Initiative (AEGI)

In 2015, it is estimated that €6,661,367 will be allocated to the Adult Education Guidance Initiative.

Article 10.1 – The right to vocational training

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

- 1 to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude;

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providers of Further Education in Ireland. In recent years, however, some Community and Comprehensive Schools and Voluntary Secondary Schools have also provided an extensive educational service for adults in their localities.

Since 2013 two pieces of legislation were enacted in 2013 to provide for the statutory dissolution of the 33 VECs and the establishment of 16 Education and Training Boards and the dissolution of FÁS and the establishment of SOLAS. The Education and Training Boards Act 2013 resulted in the incorporation of the 33 VECs into 16 newly established ETBs. The Further Education and Training Act 2013 resulted in the dissolution of FÁS on the 26th October, 2013 and the creation of SOLAS on 27th October, 2013. SOLAS is not a provider of FET. It funds, coordinates and monitors publicly funded further education and training provision provided primarily through the ETB sector.

The dissolution of FÁS, the establishment of SOLAS together with establishment of the 16 Education and Training Boards incorporating 33 former VECs has now been completed. In that regard, the phased transfer of the existing FÁS training centre network, associated training provision and staff, to the relevant ETBs was successfully completed, without any disruption in service, during 2014.

Within a lifelong learning policy approach, the production of the White Paper, Learning for Life (2000), the establishment of the National Qualifications Authority of Ireland (NQAI) 2001, and the Report of the Task Force on Lifelong Learning (2002) are strategic documents in the area of Further Education.

The Further Education and Training Awards Council (FETAC) was set up as a statutory body in 2001 under the Qualifications (Education and Training) Act, 1999. As the national awarding body for further education and training in Ireland, the Further Education and Training Awards Council gives people the opportunity to gain recognition for learning in education or training centres, in the work place in the community. FETAC's functions include:

- making and promoting awards
- validating programmes
- monitoring and ensuring the quality of programmes
- determining standards

Further Education and Training (FET) Strategic Framework.

A new strategic framework subsequently emerged for the Further Education and Training Sector (FET) in 2014 with the launch of the first ever 5 year Strategic Plan for the further education and training sector, incorporating a separate Literacy and Numeracy Strategy for the sector, publication of the first SOLAS Corporate Plan and the publication of the first 'Annual Further Education and Training Services Plan' by SOLAS.

The External Environment

In the development of the annual Further Education and Training Services Plan by SOLAS the external environment is considered at both European and National level¹⁴.

The European Perspective EU 2020 Strategy

Europe 2020 is the European Union's ten-year growth and jobs strategy that was launched in 2010. It is about overcoming the crisis from which our economies are now gradually recovering and addressing the shortcomings of our growth model and creating the conditions for a smart, sustainable and inclusive growth.

Five headline targets have been set for the EU to achieve by the end of 2020. These cover employment; research and development; climate/energy; education; social inclusion and poverty reduction.¹⁵

National Reform Programme Targets

The key priorities and challenges for Ireland have been set out in the National Reform Programme 2011. Principal among the targets set in that primary national strategy, framed in the context of achieving the EU2020 objectives, are targets that are central to the ESF mission and objectives. These are:

Target 1. Employment Ireland's Headline Target

"To raise to 69-71% the employment rate for women and men aged 20-64, including through the greater participation of young people, older workers and low-skilled workers, and the better integration of legal migrants, and to review the target level of ambition in 2014 in the context of a proposed mid-term review of the Europe 2020 Strategy".¹⁶

Target 4. Education Ireland's Headline Target

"To reduce the percentage of 18-24 year olds with, at most lower secondary education and not in further education and training to 8%; to increase the share of 30-34 year olds who have completed tertiary or equivalent education to at least 60%."¹⁷

Target 5. Poverty Ireland's Revised Headline Targets

"To reduce consistent poverty to 4% by 2016 (interim target) and to 2% or less by 2020, from the 2010 baseline rate of 6.3%. The Irish contribution to the Europe 2020 poverty target is to reduce by a minimum of 200,000 the population in combined poverty (either consistent poverty, at-risk-of-poverty or basic deprivation)."¹⁸

Further Education and Training

The Department of Education and Skills allocates funding to SOLAS to fund, coordinate and monitor further education and training.

The provision of vocational education programmes formerly provided by the VECs and the vocational training programmes formerly provided by FAS are now provided in an integrated

¹⁴ Using information provided by the ESF and EGF and Operations Unit within the Department of Education and Skills via the SOLAS Finance Unit.

¹⁵ Programme for Employability, Inclusion and Learning 2014-2020 (Supported by the European Social Fund)

¹⁶ Programme for Employability, Inclusion and Learning 2014-2020 (Supported by the European Social Fund)

¹⁷ Programme for Employability, Inclusion and Learning 2014-2020 (Supported by the European Social Fund)

¹⁸ Programme for Employability, Inclusion and Learning 2014-2020 (Supported by the European Social Fund)

manner by the ETBs sector, and with regard to some PLC provision, in a small number of voluntary secondary and community schools.

Informed by the overarching framework of the FET strategy, (see above) the relevant SOLAS funding priorities for the FET Services Plan 2015 include:

- Provision of FET programmes to skill, re-skill or up-skill unemployed persons as well as other job seekers to find a job and/or progress to higher/ further education and training that will equip them to compete in the labour market.
- Provision of FET programmes to support a diverse range of individuals seeking personal, social and developmental skills to enable them to engage or re-engage in learning, or to enable them to make a meaningful contribution to society and to their communities, or to progress to further education and training.
- Priority cohorts such as the Long Term Unemployed and unemployed youth were identified, and target participation rates across FET provision were agreed with DES. In that regard, the target for people who have been unemployed for a long time remains at the 2014 level of 52,666 places.

The 2015 FET Services Plan provides for a total budget allocation of €643.5m (€3m carried forward from 2014), to be made available for SOLAS funded further education and training provision. It is estimated that 369,523 places will be made available for learners primarily through the ETB sector to benefit from SOLAS funded FET programmes and services in 2015 (341,726 places in 2014). This figure includes 231,234 new entrants expected to participate in FET provision in 2015 (215,929 new entrants in 2014).

Approximately 60% of all SOLAS funded FET provision in 2015 will be for individuals that require introductory level courses/ supports (across FET programmes up to level 4 on NFQ or equivalent) to assist them with progression back to employment over a longer timeframe.

The early identification of FET-related skill needs and skill deficits was an essential aspect in informing the 2015 FET Services Plan and in particular management and staff in FET centres/locations that have direct contact with learners, employers and other stakeholders.

This is facilitated by the SOLAS internal resource, the SLMRU, and its National Skills Database (NSD). A series of regional briefings were held, during which senior staff from the SOLAS SMLRU provided details of the labour market demographics relating to each ETB and statistical profiles on unemployment, employment, industry profile, vacancies etc.

These regional profiles are published each year by SOLAS/Expert Group on Future Skills Needs (EGFSN) and act as key resource for ETBs and other education and training providers and policy makers. Other relevant sources of labour market intelligence include: research by the SOLAS/EGFSN and national and international research on future skill needs; national, regional and local labour market intelligence; the legislative and regulatory environment; government policy, and direct contact with employers by both ETBs and by SOLAS.

The Table below sets out the main FET programmes funded by SOLAS.

Full-time Further Education and Training Programmes	Post Leaving Certificate (PLC)
	Vocational Training Opportunities Scheme (VTOS)
	Youthreach
	Bridging
	Foundation
	Specific Skills Training (SST)
	Traineeship Programmes
	Community Training Centres (CTCs)
	Specialist Training Providers (STP)
	Local Training Initiatives (LTIs)
	Apprenticeship
Part-time Further Education and Training Programmes	Back to Education Initiative (BTEI)
	Adult Literacy (including ITABE, ESOL and DEIS, Skills for Work initiatives)
	Co-operation Hours ¹⁹
	Evening Courses
	Online Learning and Blended Courses
	Community Education Provision
Non-accredited Provision	Arts and Community Education ²⁰ (As per the Department of Education and skills <i>Operational Guidelines for Community Education</i>)

Supports provided for Further Education and Training Learners include;

- The Adult Education Guidance Initiative (AEGI) which provides nationwide guidance for learners before, during and after they participate in BTEI, Adult Literacy, Community Education or VTOS programmes.
- Eligibility for participants in Youthreach, VTOS, or BTEI for free childcare under the Childcare in Education and Training Scheme (CETS), operated by the Office of the Minister for Children and Youth Affairs (OMCYA).
- The “HEA fund for students with disabilities” can provide support for students with a disability. It allocates funding to further and higher education colleges for the provision of services and supports to full time students with disabilities. It aims to ensure that students can participate fully in their academic programmes and are not disadvantaged by reason of disability.
- The Guidance, Counselling and Psychological Service in Youthreach and Community Training Centres is in the main used for the provision of counselling for young people on these programmes.
- The INTREO service administered by the Department of Social Protection provides a

¹⁹ Co-operation hours can include full-time provision

²⁰ Arts and Community Education may in some instances lead to accreditation

single point of contact for all employment and income supports and also provides employment services and supports for both job seekers and employers.

- The Advocacy Service which provides a network of full-time advocates whose role is to support participants on the Youthreach programme in decision-making, referral, progression and placement. Advocates are also instrumental in organizing work experience and monitoring students while on work experience.

The following national FET programmes are managed by SOLAS.

Apprenticeship Programme.

SOLAS, Ireland's Training and Employment Authority, has statutory responsibility for the co-ordination and control of designated apprenticeships under the Industrial Training Act 1967 and the Labour Services Act 1987. Apprenticeship is demand driven alternance educational and training programme for employed people aimed at developing the knowledge, skills and competence of the apprentice to perform effectively as a craftsperson in industry, to respond appropriately to technical change, and to provide a basis for progression in education and training. SOLAS develops apprenticeship programmes in partnership with employers, trades unions, the Department of Education and Skills, the Education and Training Boards and the Institutes of Technology (public higher education institutions).

In May 2013, the Minister for Education and Skills, Ruari Quinn, T.D., announced a review of apprenticeship in Ireland. The Review of Apprenticeship was published in December 2013 which outlined a broad range of recommendations. One key recommendation of the Review of Apprenticeship, with the aim of underpinning a new apprenticeship system, was the establishment of the Apprenticeship Council. In November 2014 the Minister of Education and Skills Jan O'Sullivan T.D. formally established the Apprenticeship Council. In January 2015 the newly appointed Apprenticeship Council invited proposals for new apprenticeship programmes from consortia of enterprise, professional bodies and education and training providers. The closing date for submissions was set as the 31 March 2015. The Apprenticeship Council received 86 separate submissions for new apprenticeships from 48 different organisations. To manage the evaluation process the Apprenticeship Council established a panel to evaluate all submitted proposals. The panel included representatives of the Department of Education and Skills, the HEA and SOLAS. During the evaluation process, panel members were required to act impartially and independently of any company, agency or other group involved in proposing a new apprenticeship. The evaluation panel's work was monitored by an independent process auditor. The evaluation panel presented its recommendations to the Apprenticeship Council on the 28 May, 2015.

The Apprenticeship Council submitted its '*New Apprenticeship Programme Proposals*' report to the Minister for Education and Skills on the 30 June, 2015. The Minister launched the approval for the initial development of potentially 25 new apprenticeships on the 30 July, 2015. Following the Minister's formal launch of the new apprenticeship proposals the Apprenticeship Council recently invited the nominated proposers to consider commencing the development phase of their proposal. The Council requested all nominated proposers to put in place a formal representative consortium for the development phase of the apprenticeship programmes and to develop a formal project plan for the work. To initiate the development process each consortium was asked to complete and submit standardised project planning templates by the close of business Friday, 8 October 2015.

CSCS/QSCS and Safe Pass Programmes

SOLAS is responsible for governance of the national CSCS, QSCS and Safe Pass programmes. SOLAS provides monitoring and mentoring for trainers and develops and issues curriculum material to Approved Training Organisations (ATOs) and Safe Pass tutors for their use in keeping with approved codes of conduct and operating procedures. SOLAS also provides and maintains an information technology system to facilitate the processing of registration cards.

CSCS

The CSCS programme provides for the training, assessment, certification and registration of non-craft operatives within the construction sector and is covered under the provisions of Schedule 5 of the Safety, Health and Welfare at Work (Construction) Regulations 2013.

QSCS

The QSCS programme provides for the training, assessment, certification and registration of non-craft operatives within the construction sector and is covered under the provisions of Schedule 1 of the Safety, Health and Welfare at Work (Quarry) Regulations 2008.

SAFE Pass Programmes

The Safe Pass Programme, is a one day Health and Safety awareness training programme aimed primarily at construction sector workers, including new entrants. The Safe Pass programme is covered under the provisions of Schedule 4 of the Safety, Health and Welfare at Work (Construction) Regulations 2013. <http://www.solas.ie/>

Momentum

Momentum is a SOLAS initiative for people who are a year or more unemployed and who are looking for help to get their careers moving. MOMENTUM is there to provide those people with an opportunity to get jobs in sectors of the economy that are growing and are in need of skilled employees. The initiative funds the running of free training courses, which include skills training, certification, work placement and after course supports for the participants.

More details can be found at:

http://www.momentumskills.ie/docs/momentum_suppliment_2015.pdf

Ecollege

eCollege is the National Online Learning service delivering training free of charge to approximately 8,000 unemployed Learners and, on a fee paying basis, to 700 employed learners annually. With flexible start and finish dates, learners can work at their own pace online in achieving industry recognised certification in occupations in demand by employers. Learners have access to tutor support and all the content and resources needed to achieve certification. In early 2015 a new tutoring support service will be launched, increasing the number of courses available and providing higher levels of support. For more information please go to www.eCollege.ie.

10.1.6 A brief description of the further education and training programmes and services provided by ETBs is outlined below.

Youthreach

Youthreach is the national response to the needs of unqualified early school leavers in Ireland. The programme is designed to offer two years integrated education, training and work experience for young people aged 15-20 who have left school early without qualifications or incomplete qualifications or vocational training.

Community Training Centres (CTCs) are the vocational arm of the national Youthreach programme for early school leavers. They are independent, community-based organisations catering for the training and employment needs of early school leavers, primarily aged between 16 –21. The training is certified leading to recognised awards on the NFQ. The remaining CTCs provision transferred to ETBs in mid-2014 without any interruption in service provision. The Department’s Inspectorate undertook evaluations of four Youthreach centres in 2014, two of these were published in 2014 and the other two in 2015.

Copies of the evaluation reports are available on the Department of Education and Skills website www.education.ie

ii) Guidance, Counselling and Psychological Services

In 2014, €1.1 million was allocated for guidance, counselling and psychological services. Services are made available in Youthreach Centres and Community Training Centres. Centres use their allocations to prioritise from a spectrum of needs ranging from initial orientation and guidance and vocational information to psychological services.

iii) Special Educational Needs Initiative (SENI) in Youthreach

In 2014, €1.6 million was allocated to ETBs for the SENI in Youthreach. This support was introduced in 2007 and is available in 20 Youthreach centres.

A total of 3327 learners were enrolled in Youthreach programmes in 2014, of which 1149 enrolled for the first time in September. 55% of learners achieved certification during 2014 and 19% progressed to other education, training or employment opportunities. 134 learners (4%) achieved a full Junior Certificate award, 306 learners (9%) achieved the Leaving Certificate Applied, 41 (1%) achieved a full Leaving Certificate, 172 (5%) achieved a full award at QQI Level 3 and 265 (8%) achieved a full award at QQI Level 4. 85 (3%) of learners achieved component awards at QQI Levels 1 and 2, 552 (16%) achieved component awards at QQI Level 3 and a further 618 (18%) achieved component awards at QQI Level 4.

1675 male and 1168 female participants (2843 in total) entered Youthreach directly after dropping out of school of which 382 were minorities, 29 were migrants, 249 were disabled and 528 other disadvantaged persons.

Vocational Training for Unemployed

All Further Education and training programmes are open to the unemployed and there are specific programmes targeted at the unemployed. Vocational Training Opportunities Scheme (VTOS) in particular is targeted at the unemployed over 21 years of age. The scheme is delivered by the Education and Training Boards. There were 5448) participants enrolled on VTOS as at end of December 2014. Its primary target groups are the longer term unemployed, the low-skilled and disadvantaged.

VTOS programmes are specifically designed to enhance participant’s employability. Participants receive a training allowance in lieu of their Social Welfare payment as well as travel and meal allowances and can access childcare and guidance supports. Tuition, books and material are provided free of charge.

In 2014, 3679 VTOS learners achieved certification and of those completing, circa 20% progressed to employment and approximately 30% progressed to further education and

training.

Some relevant statistics from the 2014 Survey of VTOS learners indicate that the majority of learners (4,062) were in receipt of Jobseekers Allowance/Benefit and the majority of these (3,100) had been unemployed for 12 months or more.

10.1.7 Data on Vocational Training for Unemployed

While all Further Education and training programmes are open to unemployed people, the main programme targeted at the unemployed is the VTOS programme.

The latest statistics for Further Education programmes in 2014 are as follows:

- 71% (4,062) of VTOS learners were unemployed.
-
- 8% (294) of Youthreach learners were unemployed. The majority (85%) of Youthreach learners entered the programme after leaving school early.
-
- 43% (12,862) of BTEI learners were unemployed
- .
- 47% (20,162) of Adult Literacy learners were unemployed.

- 26% (12,528) of Community Education learners were unemployed.

10.1.8 Senior Traveller Training Centres (STTCs)

Senior Traveller Training Programme was phased out end of June 2012.

Travellers are free to access all the mainstream integrated Further Education and Training programmes.

10.1.9 Non Nationals

Refugees are entitled to the same access to education and training as Irish nationals. Asylum seekers with the right to work have access under the same conditions as Irish nationals to active labour market programmes, such as VTOS, Youthreach and to PLC courses. Asylum seekers without an entitlement to work are entitled to free access to Adult Literacy and English language supports.

10.1.10 Post Leaving Certificate (PLC)

The PLC programme is in place for learners over 16 years of age who have completed their Leaving Certificate and for adults returning to education and more specifically for

- Young learners who have completed their Leaving Certificate and are seeking to continue their education and training through participation in PLC for the purpose of identification of a career path and/or progression to higher education.
- Learners, many of whom were early school leavers, seeking second chance education opportunities.
- Learners seeking up-skilling to enhance their skill base and facilitate a change in career path.

- Learners seeking support in their endeavours to return to work.
- People who have been Long Term Unemployed
- Learners with a disability.

PLC courses are provided predominantly in the ETB sector, but some Community and Comprehensive schools and Secondary schools also offer PLC courses. The PLC programme provides successful participants with specific vocational skills to enhance their prospects of securing lasting, full-time employment, or progression to other studies. Latest estimates indicate that 33,350 individuals will commence PLC programmes in 2015.

Providers of PLC programmes must demonstrate a labour market justification for their programmes. Therefore programme content must be relevant to labour market needs and/or progression to further studies.

The PLC programme components and recommended % time is as follows:

- Vocational Studies 50-60% of the course time
- General Studies 20-30% of the course time and
- Preparation for Work/Work Experience 20-30% of the course time.

10.1.11

Back To Education Initiative (BTEI)

The overall aim of the Back to Education Part-Time Programme (BTEI) is to increase the participation of young people and adults with less than second level education in a range of part-time accredited learning opportunities leading to awards on the National Framework of Qualifications (NFQ) to facilitate their access, transfer and progression to other education or employment pathways.

The BTEI enables providers to maximise participation through providing a wide range of flexible study options enabling the learner to combine family, work or personal responsibilities with learning opportunities.

The BTEI's primary target groups are those that experience strong barriers to participation and are more difficult to engage in the formal learning process. The initiative is designed to complement other Further Education provision funded by SOLAS such as Adult Literacy, Youthreach, VTOS and Post Leaving Certificate Courses.

The BTEI offers part-time provision of up to 400 hours per year, leading to certification at Quality and Qualifications Ireland (QQI) levels 1-6.

The most recent data for 2014 indicates that 29, 911 individuals participated on BTEI of which 39% gained certification and 20% were employed including self-employment. Data for both certification and progression are disaggregated by gender. In 2014, 41% of women participants and 36% of male participants achieved certification. The data also demonstrates that providers continue to maintain a strong focus on recruitment of unemployed people: 43% of participants in 2014 were unemployed.

10.1.12 Adult Literacy

The literacy programme is provided free of charge to disadvantaged adults with low levels of literacy. The level of participation in literacy tuition by adults has increased annually from

5,000 in 1997 to 56,077 in 2014 of which 56% were women and 44% were men. The numbers of men availing of literacy tuition has increased at a higher rate than women in recent years. In the period 2000 to 2013, the numbers of men has almost quadrupled whereas the increase in the number of female participants has almost trebled.

Specific initiatives were introduced to provide a broad range of literacy tuition options for learners.

A 14 week intensive literacy and basic education programme, targeted at the most disadvantaged groups, was developed in 2006 in conjunction with NALA and the ETBI. The initiative, in which six hours of tuition is provided per week instead of the usual two hours, is delivered by ETBs throughout the country. Over 2,000 learners availed of the programme in 2014.

Funding is also provided for specially targeted literacy programmes, such as literacy for deaf people, literacy for people with dyslexia, literacy for Irish speakers and workplace literacy. The participation levels of men has increased at a faster rate than that of women between the years 2000 and 2013. The overall rate of participation between men and women continues to be at a ratio in the region of 40% to 60%. Since 2010 the male participation rate has increased from 40% to 44%.

Targeted provision of certain client groups such as men only, women only, family learning, workplace, travellers, deaf people, Irish speakers and people with dyslexia is also provided. Outreach activities are also undertaken to address specific groups that would not generally avail of tuition.

An expanded range of provision and development of linkages with other agencies dealing with social disadvantage has also taken place to improve the quality of the service provided.

Despite efforts to encourage increased male participation and address men's specific needs, there continues to be a higher level of females amongst Adult Literacy clients with the ratio of female learners to male learners continuing to be in the region of 60:40 for a number of years. However these figures reflect the position in many other adult learning contexts, both in Ireland and at international level. In 2014, the gender breakdown on the ITABE programme was 53% men and 47% women. 67% of male participants in the ITABE programme were unemployed, demonstrating that carefully targeted programmes can improve the participation of the specific target groups prioritised in Government policy.

10.1.13 *Community Education*

10.1.13 Community Education refers to education and learning, generally outside the formal education sector, with the aims of enhancing learning, empowerment and contributing to civic society. It is firmly community-based, with local groups taking responsibility for, and playing a key role in, organizing courses and deciding on programme-content.

It enables disadvantaged adults to avail of community education at minimal or no cost. This is usually allocated through the provision of teaching hours, or small grants, to a range of community and voluntary groups for educational activities. Latest estimates indicate that in 2015 over 58,000 individuals will participate in Community Education.

Data on Further Education

Total Expenditure 2007-2010

10.1.14 The total expenditure on Further Education programmes over the period 2007 – 2010 was:

Expenditure on FE programmes in 2014 was €416m (inc the €186 that DES keep to pay for PLC and co-operation hours)

Year	€M
2007	402.3
2008	414.5
2009	433.8
2010	436.7

Number of Schools/Centres providing Further Education and Training programmes

10.1.15 Further Education and training programmes are delivered in a large number of centres across the ETBs.

There are 193 approved PLC centres, 115 VTOS centres, and 105 Youthreach centres. Some centres provide more than one programme.

There are no figures available for the number of centres delivering the Further Education part-time programmes.

Staff working on the Further Education programmes

10.1.16 The number of staff working in the various Further Education programmes is estimated at:

- 1,864 Teachers working in the PLC programme. This is based on 31,688 PLC places and a Pupil: Teacher ratio of 17:1 and
- 1,265 whole time equivalent staff works in the VTOS, Youthreach and STTC programmes.

Number of learners attending Further Education programmes

10.1.17 The number of full-time places and part-time participants in Further Education programmes in 2010 were:

Programme	No. of learners in 2010	No of Learners in 2014	No Of Beneficiaries 2014
<i>Full-time programmes:</i>	<i>Places</i>	<i>Places</i>	<i>Beneficiaries</i>
PLC	31,688	32728	59,163
VTOS	5,000	5,743	8,590
Youthreach	3,692	3,327	6,102
STTC	684	delete	
<i>Part-time programmes:</i>	<i>Participants</i>		

BTEI	27,959	29,911 (<i>based on fig in 10.1.11</i>)	39,016
Adult Literacy	54,741	42,820	52,778
Community Education	55,953	48,325	61,469
Total	179,717		

In the 2012 Conclusions on Ireland the ECSR concluded that the situation is not in conformity with Article 10§1 of the Charter on the ground that the indirect discrimination of nationals of other states party due to the length of residence requirements does not guarantee equal access to higher education for all.

The residency requirement is a condition that applies equally to Irish nationals and to Non-Irish Nationals. Ireland doesn't accept that this requirements represents discrimination against nationals of other states and would argue that a one year residence requirement is a minimal requirement. The focus for non-Irish nationals, in the first instance for the education and training system, as in the school system, is on achieving competence in the language of instruction and that all non-Irish nationals are eligible to receive English as an Additional Language (EAL) training through the Education and Training Board Adult Literacy provision from the time of their arrival in the country.

Article 10.2 - The right to vocational training

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

- 2 to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments;

Training and work experience places for the unemployed in 2014

In 2014 ETBs provided in the region of 50,000 vocational training places through the former FAS training centre network now under the remit of the ETBs. The vast bulk of these places were reserved for unemployed individuals referred by DSP for training. Almost all fulltime courses have an in-company training module varying from 2-4 weeks. Traineeships may have significantly more work experience as a percentage of the overall course. Much of the training is focussed on providing skills for employment directly or foundation skills to enable unemployed persons to access higher levels skills courses that provide job ready skills to enable them compete in the labour market. A brief description of these courses is provided below.

Key outputs relating to full time mainstream skills training programmes provided in the former FÁS training centre network (excluding apprenticeship) and now by ETBs include;

SOLAS and the former FÁS organisation undertakes on a regular basis follow up surveys of participants on vocation training courses. The aim of the follow-up surveys is to establish what happens to participants after they leave the former FÁS training and employment programmes and to gather an accurate assessment of the number of job placements arising from these programmes. The surveys also provide feedback on the views of participants regarding the training that they have received.

Profile of FÁS trainees

- Three quarters (73%) of FÁS trainees were over the age of 25 at the commencement of the FÁS course
- FÁS trainees are also more likely to be male (60%) and live in the South East (72%)
- In terms of highest level of education achieved prior to beginning a FÁS course, 47% of 17 to 24 year olds have a Leaving Cert.
- Older trainees (aged 25 and over) have achieved a higher level of education overall with 12% of 25 to 34 year olds and 10% of 35 to 49 year olds having a third level qualification compared to just 3% of 17 – 24 year olds.

Status prior to FÁS course

- Almost eight in ten (77%) were unemployed prior to beginning their FÁS course, 13% were in employment, 5% were students, 5% were inactive and 1% were on a scheme.
- 17 to 24 year olds most likely to be unemployed (83%). In contrast, just 69% of FÁS trainees aged 50 or over were unemployed prior to beginning their course.
- Three quarters (76%) of unemployed trainees had been in employment in the past.
- Of those who were in employment immediately before beginning a FÁS course, less than two thirds (64%) were in a permanent position and just over half (53%) were in full-time employment.
- Of the 5% of participants who were in education or training before beginning a FÁS course, the majority were studying at NQF Level 5 or below.

Completion and certification rates

- Three quarters (76%) of FÁS trainees participating in a FÁS course confirmed that they completed it. Of those who did not complete, 24% found the course to be not suitable but almost one in five (18%) left the course because they took up employment.
- Over eight in ten participants (84%) completing their FÁS course received a certificate. Full-time training (87%) and evening classes (83%) had much higher 4 certification rates than online training courses (65%) and specialist training programmes (65%)

Current economic status

- One in three (30%) FÁS trainees are now in employment compared to just 13% who were employed before taking a FÁS course. Employment among 17 to 24 year olds increased substantially from just 6% pre-course to 26% post-course.
- Over one quarter (27%) of FÁS trainees who were unemployed prior to beginning their course are now in employment and a further 11% are students

Evaluation of ETB Further Education and Training Provision

The 2015 National Employer Survey

This survey of 383 companies commissioned jointly by the HEA, SOLAS and QQI and published by the Department of Education and Skills in May 2015 provides information on the views of employers on the outcomes of further education and training and higher education. In summary, employers were very satisfied with graduate recruits from both FET and HE across a range of workplace and personal attributes.

FET graduates were perceived to have strong practical skills and business acumen with employer satisfaction levels rated at 82% for workplace attributes, 90% for personal attributes, 62% for business acumen, 58% for entrepreneurial skills and 39% for effective written communication skills.

Evaluation of SOLAS-managed education and training provision on behalf of DES

Evaluation of Momentum

An independent evaluation of Momentum was commissioned by SOLAS. The evaluation findings concluded that the Momentum Programme has successfully addressed the challenge of long-term unemployment through the achievement of job and further education outcomes that compare favourably with long-established outcomes-based unemployment programmes in the

UK and Australia. Over 50% of those that started the Momentum Programme had signed off the Live Register at the end of the programme (December 2014). The participant survey data provides evidence that success on the Programme occurred among all age groups, at all education levels and for those of all durations of unemployment.

On-going developments to improve data collection, validation and analysis

SOLAS is currently developing data infrastructure (Programme and Learner Support System – PLSS), which will provide a platform for reporting on further education and training outputs and outcomes in the future. The PLSS will provide a data infrastructure for linking with other administrative data sets (e.g. HEA, DSP, Revenue etc.) to allow for follow up of learners upon course completion and measurement of course impact on learners' socio-economic status (including longitudinal and counterfactual analyses).

It will also provide a student population for follow up surveys (e.g. for assessment of wider benefits of learning). Reporting, using a fully operational PLSS is expected to commence towards the latter part of 2017.

The following are examples of the main types of vocational training programmes offered by ETBs:

Bridging Foundation Training

These programmes are aimed at giving clients with lower level skills the foundation necessary to allow them enter the labour market or to prepare them to progress to specific skills development. These courses can include a confidence-building or literacy component. The duration of the training is 13-18 weeks.

Specific Skills Training

These courses allow job seekers or job changers the opportunity to acquire specific job related skills and formal vocational qualifications to facilitate re-entry to the workforce. The courses lead to FETAC Major Awards at levels 4, 5 and 6 on the National Framework of Qualifications and/ or industry recognised certification. The duration of the training is 4-26 weeks

Blended Learning

These courses are designed to give a flexible response to the specific skills needs of job ready individuals who require training interventions with certification to assist them to re-enter the labour market. Blended Learning Courses offer a range of online training with enhanced learner supports including telephone, email, E-tutor and instructor led workshops.

Traineeships

The ETB National Traineeship programme is an occupational skills development programme which combines formal training with an ETB or an ETB contractor and workplace coaching with an employer. The training content and occupational standards for traineeships are developed in consultation with employers, trade union, regulatory bodies and interest groups. The programme is aimed at clients who will enter occupations that entail significant skills requirements which are best acquired through a combination of alternating periods of on and off the job training. The duration of the training is 10-48 weeks.

Specialist Training Providers (STP)

Special training is provided for people with disabilities by specialist training agencies such as the National Learning Network (NLN). Where appropriate DSP direct clients with disabilities to mainstream training provision. The duration of the training is 12-24 months.

Evening Courses

These courses are designed to give a flexible response to the specific skills needs of job ready individuals who require training interventions with certification to assist them to re-enter the labour market. Evening courses are available to fee paying clients who are employed and wish to upskill for personal and professional development and also to unemployed clients through the local ETB centre. The duration of the training is 30-60 hours.

Online Learning

These courses are designed to give a flexible response to the specific skills needs of job ready individuals who require training interventions with certification to assist them to re-enter the labour market. Online courses are available free of charge to unemployed clients. Courses are also available, for a fee, to employed persons who wish to update their skills. The duration of the training is 10-20 weeks

Youth Unemployment

10.2.6 The main specific provision to tackle youth unemployment continues to be provision provided by ETBs through Community Training Centres (CTC) and Youthreach Centres There are currently circa 6,000 places available nationwide under the Youthreach umbrella.

Article 10.3 - The right to vocational training

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

- 3 to provide or promote, as necessary:
 - a. adequate and readily available training facilities for adult workers;
 - b. special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment;

Please see material provided in previous report on Article 10.3.

The ECSR concluded that the situation in Ireland is not in conformity with Article 10§3 of the Charter on the ground that there is indirect discrimination of nationals of other states party residing or working lawfully in the country due to the length of residence condition for access to continuing education.

The residency requirement is a condition that applies equally to Irish nationals and to non-Irish Nationals. Ireland doesn't accept that this requirement represents discrimination against nationals of other states. The focus for non-Irish nationals, in the first instance for the education and training system, as in the school system, is on achieving competence in the language of instruction and that all non-Irish nationals are eligible to receive English as an Additional Language (EAL) training through the Education and Training Board Adult Literacy provision from the time of their arrival in the country.

Article 10.4 - The right to vocational training

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake

- 4 to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed

MOMENTUM is a publically funded initiative delivered in partnership (collaboration) with both public and private education and training providers who have developed linkages with employers.

The aim of the MOMEMENTUM programme is to support the Government's Action Plan for Jobs and Pathways to Work programmes by enhancing collaboration and engagement between employers, enterprise and training providers in the design and delivery of relevant projects for young and long term unemployed individuals.

The concept is that funding will be utilised to provide solutions to the needs of both unemployed individuals and employers within themes supporting occupational clusters where demand and vacancies exist within Labour Market sectors. The identification of these occupational clusters is based on regularly updated Labour Market intelligence.

MOMENTUM has dual objectives. Firstly, it is intended to ensure that young persons are given the chance to gain certification and work experience, and thus enhance their chances of benefiting from labour market opportunities. Secondly, that long term unemployed persons needed to be assisted to re-skill and prepare themselves for occupations in growing sectors of the economy.

Article 10.5 - The right to vocational training

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake

- 5 to encourage the full utilisation of the facilities provided by appropriate measures such as:
 - a reducing or abolishing any fees or charges;
 - b granting financial assistance in appropriate cases;
 - c including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;
 - d ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

Learners may receive an allowance while attending a FET course which can vary depending on their own personal circumstances and current government policy.

In Budget 2011, the Government announced the introduction of a €200 annual PLC programme participant contribution. Schools/Colleges must collect the participant contribution from all eligible participants. However, certain categories of learners will be exempted from the contribution;

- those in receipt of the Back to Education Allowance/VTOS allowances
- those who are eligible under the student grant scheme.
- medical card holders.

Learners on the PLC programme can apply for a Student Grant.

Article 15.1 -The right of persons with disabilities to independence, social integration and participation in the life of the community

With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

- 1 to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private;

The Education and Training Boards continue to offer a broad range of vocational education and training programmes, services and supports for people with a disability consistent with current mainstreaming policy. All persons including people with a disability who meet entry criteria are eligible to participate on all ETB education and training programmes.

The guiding principles for the work of the *Commission on the Status of People with Disabilities* in 1996 were (1) equality, (2) maximising participation, and (3) enabling independence and choice. These principles also inform all FÁS policies in pursuing the mainstreaming agenda for people with a disability. These fundamental principles underpin the implementation of the FÁS Vocational Training Strategy as completed in April 2006, and as set out in the Sectoral

Plan of the former Department of Enterprise, Trade and Employment. This ensures that the focus of the mainstreaming policy must be on recognising the diversity of people with a disability, and the need for an individualised approach to their training needs.

In those case where persons with particular disabilities may require enhanced supports, a range of positive-action measures to assist such disabled peoples' entry into employment are also available. These include Specialist Training Providers, additional training duration, adaptive equipment, enhanced programme content and/or reduced trainer-to-trainee ratios, staff specially qualified in training people with disabilities. The nature of the disability determines the measure offered. Currently, ETBs contracts with Specialist Training Providers, such as the National Learning Network (NLN), to deliver vocational training to disabled people who require more intensive support than would be available in the mainline options. Training providers, such as NLN, are required to meet minimum standards in relation to the design and delivery of training programmes and all these programmes lead to nationally recognised certification.

Education and Training Boards encourage people with a disability to participate in a broad range of employment related training options. This client group require more intensive and specialist support than learners on ETB mainstream vocational training courses. ETBs therefore contract with STPs to deliver training programmes to learners with disabilities in locations nationwide.

In 2013 a total of 3,234 learners availed of FÁS funded training delivered through Specialist Training Providers for people with a disability. Separately the following Table provides details of the number of people with a disability who opted on to mainstream skills training courses during the period 2009-2013 provided in the former FÁS training centre network as well as the number of people with disabilities who in specialist FÁS funded Training Provision.

Number of persons with a Disability in mainstream FAS Training

Year	With Disability	Without a Disability
2009	544	26,119
2010	569	31,039
2011	501	23,184
2012	479	23,296
2013	390	21,324
	Number of people with disabilities in specialist FÁS funded Training Provision	
2009	1,056	
2010	1,070	
2011	987	
2012	686	

Overall, since 2009 the percentage of people with disabilities who completed mainstream vocational training has increased from 4.7% in 2009 to 5.5% in 2013 albeit in a context where Government policy was to focus FÁS training courses primarily to upskill and reskill the thousands of individuals who were made redundant during the recession. The numbers of

people with a disability opting onto Specialist Training provision has decreased in the period 2009-2012 although the overall number of places available has remained largely unchanged. From 2011 onwards the employment services function of FÁS including the activation and guidance of people with a disability began its transfer to DSP. This also included the transfer of employment supports such as the wage subsidy scheme. Community Employment was also transferred to DSP.

FÁS (now SOLAS) commissions independent surveys of participants on vocation training programmes provided by ETBs through the former FÁS training centre network. The most recent survey took place in 2014. Main findings from survey of Specialist Training Programmes for persons with a disability using Face-to-face interviews with persons who participated in a Specialist Training Programme revealed the following key points:

- 20% of participants in STP programmes gained employment following the completion of their course;
- 90% of people with disabilities reported acquiring new job relevant skills, about two thirds obtained a job that was more skilled than that held previously, and about same proportion were utilising their newly acquired skills.
- 60% said that their literacy had improved while 67% said that their numeracy had improved;
- 94% said that their confidence had improved;
- 89% said that they had gained new job skills; and
- 66% of those employed use the skills a lot; only 10% do not utilise them.

Guidance

Please see material under Article 9 of this report for details of mainstream guidance provision in Ireland.

Article 15.2 –The right of persons with disabilities to independence, social integration and participation in the life of the community

With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

- 2 to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;

On Th
in work, compared to 66% of non-disabled people. Labour market measures to encourage the employment of occupationally-disabled jobseekers in the open labour market are an important part of active labour market measures in Ireland. Services for people with disabilities are mainstreamed within this context. Persons with disabilities, on meeting the entry criteria, participate in the full range of DSP programmes and services, including employment support measures, wage subsidy schemes and work experience programmes, such as Community Employment. Programmes for people with disabilities are ‘demand-led’ in that take up is voluntary and there is no element of penalty involved for those who do not wish to engage.

Labour Market

Labour market measures to encourage the employment of occupationally-disabled jobseekers in the open labour market are an important part of active labour market measures in Ireland. Services for people with disabilities are mainstreamed within this context. Article 10 of this Report provides details of the employment support programmes in place to assist the most vulnerable groups to access employment. Disabled persons, on meeting the entry criteria, can participate in the full range of **ETB** programmes and services. These in turn may lead to employment in the open market or into sheltered employment of progression to further and higher education and training or to an employment programme. There are a range of employment programmes and supports offered by DSP for disabled people.

Employment Supports for People with Disabilities

The Department of Social Protection (DSP) provides a range of demand-led schemes to support unemployed people with disabilities to gain access to employment and to encourage private sector employers to employ people with disabilities. These include the following:

The Reasonable Accommodation Fund assists employers to take appropriate measures to enable a person with a disability/impairment to have access to employment by providing a range of grants. These grants and supports include: the workplace equipment/adaptation grant, the personal reader grant, the job interview interpreter grant, and the employee retention grant.

The Disability Awareness Training Support Scheme provides funding so that employers can buy in Disability Awareness Training for their staff. The purpose of the training is to deliver clear and accurate information about disability and to address questions or concerns that employers and employees may have about working with people with disabilities.

The Wage Subsidy Scheme (WSS) is an employment support to the private sector for the employment of people with disabilities. The purpose of this demand - led programme is to increase the numbers of people with disabilities participating in the open labour market and to encourage employers to employ people with disabilities. The WSS provides financial incentives to private sector employers to hire people with a disability for between 21 and 39

hours per week under a contract of employment. The basic subsidy rate is €5.30 per hour and the subsidy is incentivised under three strands, based on the number of employees with a disability engaged. The employer can benefit from one or all, simultaneously depending on the number of employees with a disability recruited by the employer under the scheme.

- *Strand I* - is a general subsidy for any perceived productivity shortfall in excess of 20% for a person with a disability, in comparison to a peer who does not have a disability. An employee must work a minimum of 21 hours per week up to a maximum of 39 hours per week. The rate of subsidy is €5.30 per hour and is based on the number of hours worked, giving a total annual subsidy available of €10,748 per annum based on 39 hour week.
- *Strand II* - is based on the total number of employees with a disability in a company, an employer can apply for a grant to cover extra costs ranging from an additional 10% for 3-6 employees to a maximum of 50% of the wage subsidy for 23+ employees with a disability. Strand II grants are intended to cover the additional supervisory, management and other work based costs which may derive from the firm's decision to employ more than two people who have a disability.
- *Strand III* - is where 30 or more people with a disability are employed, employers can avail of a grant of €30,000 per annum to assist with the cost of employing an Employment Assistance Officer.

In 2014 some 1,550 employees were being supported through this programme at a cost of €12.59 million.

Workplace Equipment/Adaptation Grant (WEAG)

Under the Reasonable Accommodation Fund for people with disabilities, the DSP provides supports to employers to take appropriate measures to enable a person with a disability/impairment to either gain access to or retain employment in the open labour market. The aim of the Workplace Equipment/Adaptation Grant (WEAG) is to increase the job opportunities for disabled people by supporting any additional costs, related to the disability, incurred by private sector employers employing or retaining an employee with a disability.

The scheme applies only to the additional costs of adapting workplace equipment or of provision of equipment arising from the individual's disability. The WEAG is a contribution towards the cost of an adaptation or of equipment up to a current limit of €6,350. It can also be used to upgrade adaptive equipment which may have been funded previously. Applications in excess of this sum will be considered on an individual basis up to a maximum of €9,523 if specialist training for the assistive technology is required.

EmployAbility Service

The EmployAbility service is a national employment service dedicated to improving employment outcomes for job seekers with a disability. It is based on the ethos that participation in employment can be achieved by people with a disability when they are able to avail of individualised supports that are based on their choices and preferences.

The service currently comprises 23 limited companies, each with a specific geographical remit and each fully funded by the Department of Social Protection. The three main aims of the service are to:

- facilitate the integration of people with disabilities into paid employment in the open labour market;
- provide supports to assist with this integration process; and
- meet the requirements of employers.

EmployAbility participants are people with disability who are typically able to work a minimum of 8 hours per week and need the support of a job coach to obtain employment in the open labour market. The service is open to people between the ages of 18 to 65 years. The duration of the service is 18 months, but clients may re-engage in the service at any time, in line with their Individual Employment Plan. The EmployAbility Service is required to operate at a ratio of 1 job coach to 25 clients and the current capacity of the service is around 3,000 clients.

In light of the importance of this service, and in the context of a Comprehensive Employment Strategy for People with Disabilities, a review of the programme is being carried out by Indecon International Economic Consultants in 2015. The focus of the review is on the effectiveness and efficiency of the service and also in the context of the strategic development of a more focused and integrated activation service in the DSP in recent years. The review will seek to present proposals for the future delivery of the service, having regard to the level of demand for supported employment service; and the type of service required to effectively meet that demand.

Disability Activation Project (DACT)

The Disability Activation Project (DACT) was jointly funded by the European Social Fund and Department of Social Protection at a cost of €6 million. The objective of the DACT project was to explore a variety of routes towards ensuring that people with disabilities were enabled to avail of progression, education and development opportunities within the world of work. A key criterion applied when selecting projects was that the learning from this activity should be capable, where appropriate, of being mainstreamed in the future.

The DACT project commenced at the end of 2012 and finished on 30 April 2015, with the ending of the ESF portion of the funding. The target group for each strand of DACT was people aged 16 to 65 years who were in receipt of disability/illness welfare payments and who resided in the Border, Midlands and West region. Almost 2,100 people with disabilities participated in the programme.

An independent evaluation of the DACT programme was commissioned by the DSP to determine the key learning from the projects that would contribute to increasing the rate of labour market participation of people with disabilities. The lessons learned from the evaluation will assist in determining the approach to be taken in implementing future Disability Activation activities being provided for in the new ESF Programme for Employability, Inclusion and Learning (PEIL), 2014-2020.

Supports for Graduates with Disabilities

The DSP also funds two significant disability projects for graduates with disabilities directed by the Association for Higher Education Access and Disability:

- WAM (Willing Able Mentoring) – a programme that builds the experience and confidence of graduates with disabilities and employers through the method of a mentored, paid (by the employer) work placement programme.

- Get AHEAD – a training programme and forum for students and graduates with disabilities to discuss their experiences of education and employment.

Comprehensive Employment Strategy for People with Disabilities

In October 2015, the Government published a Comprehensive Employment Strategy for people with disabilities²¹.

People with disabilities are only half as likely to be in employment as others of working age. The reasons for this are complex, and include level of education and skills, fears around loss of benefits, employer know-how, low expectations, and limited re-entry to work following onset of a disability, as well as a higher incidence of ill-health. Therefore, even at the height of the economic boom, the employment rate of people with disabilities remained stubbornly low. The Strategy is intended to ensure that people with disabilities are not left behind as employment recovers.

The aim of this strategy is to increase the numbers of people at work, and the proportion of people with disabilities in a job. The measures set out in the strategy aim to address the barriers to employment and improve pathways to work, with the impact on employment building up over time. The overall number of people with disabilities at work will depend not only on the measures in this strategy, but also on conditions generally in the labour market, which are uncertain over the medium term. Based on an analysis of a range of medium-term jobs forecasts, and the likely impact of measures set out in this strategy, particularly those aimed at stemming the flow to joblessness, it is a reasonable expectation that the employment rate of people with disabilities will increase by 15% from its 2011 level, with an increase in the employment rate from 33% to 38% by 2024.

The overall employment forecast has been derived by examining

- a range of forecasts for net increase in jobs as the economy recovers
- the scale of annual job vacancies, and the competition to fill them
- the likely contribution a reduction in flows into joblessness could deliver over the ten year period of the strategy
- international experience of return to work rates among people with a disability who are long-term out of work
- the potential upper limits to labour supply by people with disabilities, given levels of illness and incapacity, even if employment conditions and support arrangements were ideal
- an exercise examining employment rates by reference to European experience, taking account of national differences in the measurement of disability
- a synthesis of what could be realistically achievable, taking both supply and demand sides of the job market into consideration

Raising employment levels of people with disabilities is a long-term project:

²¹

<http://justice.ie/en/JELR/Comprehensive%20Employment%20Strategy%20for%20People%20with%20Disabilities%20-%20FINAL.pdf/Files/Comprehensive%20Employment%20Strategy%20for%20People%20with%20Disabilities%20-%20FINAL.pdf>

- Measures to reduce the flows into joblessness take time to make an impact on the numbers. These measures focus on young people with disabilities entering adulthood, and on adults experiencing onset of disability
- A key element of the strategy is to improve education, raise expectations, and expose post-primary students with disabilities to work opportunities. Work with today's young teenagers may take a number of years to bring results
- A high proportion of those not in work have moderate to high support needs, and it may take time to reorient current systems of support to address those needs

Some people with disabilities have problems of ill-health, poor stamina, or serious difficulties with everyday tasks and functions. These can affect people's availability for or capacity for work. The proportion of people with disabilities experiencing such difficulties is higher than for the population at large, so as a result, the percentage in employment is always likely to be lower than among the population at large.

Building on an established body of national and international research evidence about what works, this strategy was developed following detailed interdepartmental discussion across Government departments and agencies, a consultation process with disability interests including input from the Disability Stakeholder Group, and discussion with employer and trade union bodies.

The Strategy is a cross-government approach that brings together actions by different Departments and state agencies in a concerted effort to address the barriers and challenges that impact on employment for people with disabilities. It aims to ensure there will be joined-up services and supports at local level to support individuals on their journey into and in employment.

The Strategy's six strategic priorities are:

- Build skills, capacity and independence
- Provide bridges and supports into work
- Make work pay
- Promote job retention and re-entry to work
- Provide co-ordinated and seamless support
- Engage employers

Implementing the strategy will require continuing interdepartmental co-operation and a joined-up approach to supports and services for jobseekers and workers with disabilities. The implementation of the strategy will be subject to regular monitoring, and there will be a review and renewal every three years.

An Implementation Committee under an independent chair has been set up to oversee its implementation. The strategy sets out a ten-year approach to ensuring that people with disabilities, who are able to, and want to work are supported and enabled to do so. Detailed actions and timescales for their implementation are set out for the first three-year period of the Strategy.

There is very limited case law on reasonable accommodation²². Reasonable accommodation does include the possibility of flexible or reduced working hours²³, and other adjustments to working conditions, although tends to arise in gender cases (e.g. return from maternity leave) rather than on any of the other grounds set out in equality legislation.

Community Employment (CE)

The aim of CE is to enhance the employability and mobility of disadvantaged and unemployed persons by providing work experience and training opportunities for them within their communities. In addition, it helps long-term unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to work routine. CE projects are typically sponsored by groups wishing to benefit the local community, namely voluntary and community organisations and, to a lesser extent, public bodies involved in not-for-profit activities. Such projects provide a valuable service to local communities. The DSP's priority in supporting CE is having access to schemes that can provide jobseekers and other vulnerable groups with good quality work experience and training qualifications to support their progression into employment.

DSP assumed responsibility from FAS for CE and Job Initiative (JI) in 2012. Since 2012 the CE programme has been subject to major programme change which has resulted in greater accountability by sponsoring organisations and improved oversight by the Department.

CE over the years has developed into a programme with dual objectives. The programme is on the one hand considered an active labour market programme to support long-term unemployed people re-enter the workforce. At the same time the programme provides a range of social and community services many of which are closely allied to statutory services and perform a vital role in service support.

The CE Programme has two options:

Part Time Integration Option (PTI), 1-year on CE for those who have been in receipt of qualifying social welfare payments for 12 months or more.

Part Time Job Option (PTJ), 3-years on CE for those who have been in receipt of qualifying social welfare payments for 3 years or more. Certain categories of participants can have extended time on CE up to a maximum of 6 years for those aged over 55 years and 7 years for people with a disability.

The table below shows the welfare status of participants at December 2010 and December 2014, prior to entry to CE. In December 2014, participants in receipt of Jobseekers Allowance (16,877) and Jobseekers Benefit (2,316) made up 83 per cent of all participants. Participants in receipt of the One Parent Family Payment made up 5 per cent, and participants in receipt of a disability payment (Disability Allowance, Illness Benefit, Invalidity Pension and Blind Pension) made up 8 per cent of all participants on CE. Together these three cohorts made up 95 per cent of CE participants.

Welfare Status of Participants (December 2010, December 2014)

Benefit Type	December 2010		December 2014	
	Total	%	Total	%
Jobseeker's Allowance (JA)	6,785	31.2	16,877	72.6
Jobseeker's Benefit (JB)	4,389	20.1	2,316	10.0
Lone Parents (incl. widow(er)s)	5,338	24.5	1,169	5.0

²² See for example a recent presentation on behalf of the Irish Human Rights and Equality Commission. <http://www.iase.ie/wp/wp-content/uploads/2015/04/3D-Positive-Action-Reasonable-Adjustments-North-and-South-Carole-Sullivan-Irish-Human-Rights-and-Equality-Commission.pdf>

²³ See for example <https://www.workplacereactions.ie/en/Cases/2014/September/DEC-E2014-066.html>

Disability Allowance/Pension	4,378	20.1	1,817	7.8
*Other	887	4.1	1,070	4.6
Total Participants	21,777	100.0	23,249	100.0

*Other includes Deserted Wives Allowance, Farm Assist, Carers Allowance, Qualified Adult Dependant, Unemployability Supplement, and those not on the Live Register.

The profile of participants has changed in recent years with a significant decline in clients in receipt of a disability payment and an increase in take-up by persons on JA and JB. In December 2010 participants in receipt of a disability payment made up 20 per cent of all participants on CE. Conversely participants in receipt of JA and JB made up 51 per cent of participants in December 2010. The decline in participation of clients in receipt of a disability payment is largely due to the cessation of double allowances in Budget 2012. To be eligible for CE, people with a disability are not subject to any time limit on a welfare payment.

Article 15.3 –The right of persons with disabilities to independence, social integration and participation in the life of the community

With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

- 3 to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.

The update provided in respect of Article 15.2 contains comprehensive information on the range of employment supports provided by the Department of Social Protection for people with disabilities and their employers. In addition, the Department of Social Protection (DSP) provides a continuum of income supports for those with an illness or disability, these include; Illness Benefit, Occupational Injury Benefit, Invalidity Pension, Partial Capacity Benefit, Disability Allowance, Blind Pension, and Supplementary Welfare Allowance. The DSP also provides a range of work related supports which, together with income supports such as Partial Capacity Benefit and Disability Allowance, play an important role in supporting increased participation in the labour force by people with disabilities. These include the Wage Subsidy Scheme (an employer support), a supported employment programme (EmployAbility,) and the recently completed Disability Activation Project (DACT).

Income Supports

Illness Benefit

Illness Benefit is a taxable social insurance based payment designed to support those who are in employment and temporarily incapacitated due to an illness. It is not paid for the first 6 days in a period of incapacity, however if a person experiences hardship during this period they may apply, under the Supplementary Welfare Allowance scheme, for a means tested payment. The duration and rate of payment are linked to the number of social insurance contributions paid and the amount of reckonable weekly earnings during a prescribed period. The maximum period for which Illness Benefit can be paid, where a person has 260 qualifying contributions, is 624 days within a period of interruption of employment. There is a maximum personal rate of €188, and increases may be paid in respect of a qualified adult (€124.80) and qualified children (€29.80).

Occupational Injuries Benefit Scheme

Occupational Injuries Benefit scheme is a group of benefits for people injured or incapacitated by an accident at work or while travelling directly to or from work. The scheme also covers those who have contracted a disease as a result of the type of work they do. There are a number of benefits available and there are different conditions attached to each benefit.

The benefits are: Injury Benefit, Disablement Benefit, Incapacity Supplement, Constant Attendance Allowance, and the Medical Care Scheme.

Injury Benefit is a taxable weekly payment for those unfit for work due to an accident or disease. Payment is normally made from the 7th day of incapacity for work. Injury Benefit can be paid for up to 26 weeks from the date of the accident or development of the disease. If the accident or disease causes a loss of physical or mental ability a person may apply for Disablement Benefit before their Injury Benefit ceases. If a person is still unfit for work after 26 weeks he/she may apply for Illness Benefit or Disability Allowance.

Disablement Benefit is paid to those who have a loss of physical or mental faculty after an accident or disease. A person does not have to be unfit for work. If a person is fit for work immediately after the accident he/she should apply within three months of the injury or onset of

the disease. There is a medical assessment to determine the degree of loss of faculty and the rate of benefit is based on the outcome of the assessment. Disablement Benefit can be paid as a lump sum (called Disablement Gratuity) or as a weekly payment (called Disablement Pension).

Incapacity Supplement is a weekly supplement which may be paid if a person is not eligible for Illness Benefit or another social welfare payment. To get the supplement he/she must be getting Disablement Pension and be permanently incapable of work.

Constant Attendance Allowance is a weekly allowance which may be paid if a person is in receipt of Disablement Benefit and is so seriously disabled as to need someone to attend to his/her personal needs on a daily basis.

Medical Care Scheme If a person incurs medical costs as a result of the occupational injury or disease he/she can claim for the cost of certain expenses which are not already covered by the Health Service Executive or through the Treatment Benefit Scheme under the Medical Care Scheme.

Invalidity Pension

Invalidity Pension is a taxable weekly social insurance based payment to support people who cannot work because of a long-term illness or disability. A person must satisfy the contribution conditions and have been incapable of work for at least 12 months and be likely to be incapable of work for at least another 12 months (he/she will probably have been getting Illness Benefit or Disability Allowance during that time) or be permanently incapable of work. A person in receipt of Invalidity Pension is also entitled to a free travel pass and if living alone to the Living Alone Allowance.

Partial Capacity Benefit

Partial Capacity Benefit is a social welfare scheme which allows a person to return voluntarily to work or self-employment (if he/she has a reduced capacity to work) and continue to receive a payment from the Department of Social Protection. A person must have been in receipt of Illness Benefit (for a minimum of 6 months) or Invalidity Pension and his/her capacity to work must be reduced by a specified illness or disability. A person will qualify for Partial Capacity Benefit where the restriction on capacity for work is assessed as moderate, severe, or profound. If it is assessed as mild he/she will not qualify and his/her continued eligibility to Illness Benefit or Invalidity Pension will also be reviewed. A person can return to Illness Benefit or Invalidity Pension if, for example, his/her employment ceases or if he/she cannot continue to work. The personal rate of payment is based on the assessment of the restriction on capacity for work, (whether the underlying qualifying payment is Illness Benefit or Invalidity Pension) and the rate of the underlying qualifying payment. The personal rate of Partial Capacity Benefit is; 100% where the limitation on capacity is assessed as profound, 75% where it is assessed as severe and 50% where it is assessed as moderate.

Disability Allowance

Disability Allowance is a means tested weekly allowance paid to people, aged between 16 and 66, who are habitually resident in the State, have an injury, disease or physical or mental disability that has continued or may be expected to continue for at least one year and are, consequent on the illness, disease or disability, substantially restricted in undertaking work that would otherwise be suitable for a person of similar age, experience and qualifications. A person in receipt of Disability Allowance is also entitled to a free travel pass and if living alone to a Living Alone Allowance. There is also a system of income disregards to facilitate those with capacity to avail of employment opportunities where there is a rehabilitative or occupationally therapeutic element to the employment. In practice for the purposes of Disability Allowance disregards, this applies to any form of employment as all work is generally regarded as having a rehabilitative or therapeutic value when supported by a medical practitioner.

Blind Pension

Blind Pension is a means-tested, taxable, weekly payment for blind and visually impaired people, aged 18 to 66, who are habitually resident in Ireland. A person in receipt of Blind

Pension will automatically get a free travel pass and a companion free travel pass and if living alone to a Living Alone Allowance. A free travel pass allows a person to travel on State public transport in Ireland without cost. A companion free travel pass allows a companion aged 16 or over to also travel without cost.

Blind Welfare Allowance is a means-tested payment from the Health Service Executive to people aged 18 or over who are blind or visually impaired and in receipt of Blind Pension or have a certificate of visual impairment from an ophthalmologist and are in receipt of an income maintenance payment from the Department of Social Protection or an equivalent type social security payment from another country or have an income below the combined Blind Pension rate and Blind Welfare Allowance rate.

Supplementary Welfare Allowance

The Supplementary Welfare Allowance scheme incorporates a number of elements including; basic Supplementary Welfare Allowance; supplements including Rent, Diet and Heating Supplements, Exceptional Needs Payments, Urgent Needs Payments, and the Humanitarian Assistance Scheme. Basic Supplementary Welfare Allowance operates as a “safety net” and is a means tested payment paid where a person does not have sufficient income to meet their basic needs. People with disabilities who have additional dietary or heating costs consequent on their disability may be entitled to a dietary or heating supplement. The exceptional needs provisions also provide a discretionary “once off” support for cases where there is evident hardship.

Consultation Process- Development of New National Disability Inclusion Strategy

The Department of Justice and Equality has launched a consultation process aimed at developing a new National Disability Inclusion Strategy. The consultation process allows interested parties to make recommendations in key areas such as service provision, accommodation, health, employment, and education for the new Strategy. Consultation with people with disabilities is a key commitment in this process.

Phase 1 of the consultation process was launched in June 2015. The consultations are taking the form of a 3-stage process as follows:

1. An initial round of consultations, to facilitate identification of the priority themes to be addressed in a National Disability Inclusion Strategy. For Phase 1, a total of 24 submissions were received, 7 from individuals and 17 from organisations. The individuals who responded included people with a disability, family members, and a person working in the disability field. These submissions have been analysed by the National Disability Authority on behalf of the Department.
2. A second phase (commenced in November 2015) to identify and agree specific objectives under each of the themes identified in Phase 1. To assist discussion in this phase, a set of suggested high-level objectives for the new Strategy have been published under each of the major themes identified and agreed. This phase allows for contributions to be made by way of submissions, participation in an online survey or at a series of regional public meetings.
3. Phase 3 - to commence in early 2016 - which will focus on identifying precise and measurable actions and timescales for achievement of each of the objectives that emerged as agreed from Phase 2.

Following this final phase, a draft proposal for a new Disability Inclusion Strategy will be prepared by the National Disability Strategy Steering Group for consideration by Government in the 1st Quarter of 2016.

Centre for Universal Design

The Centre for Universal Design is part of the National Disability Authority, which includes people with disabilities on its board and consults with disability interests in all aspects of its work. The Authority provides the secretariat to the Disability Stakeholders Group, which was established by Government to ensure that people with disabilities were centrally involved in the monitoring of the implementation of the National Disability Strategy and in the design of the new National Disability Inclusion Strategy which will replace it.

Irish Sign Language

The Programme of the current Government includes a commitment to "examine different mechanisms to promote the recognition of Irish sign language". The National Disability Authority facilitated consultations with the Deaf Community in Ireland in 2012 at the Department of Justice and Equality's request in relation to actions that could make improvements in the lives of deaf people and submissions received from them were considered for inclusion where possible and appropriate in the National Disability Strategy Implementation Plan (NDSIP) which was published in July 2013.

As part of the follow-up to that initiative, the first special themed meeting of the National Disability Strategy Implementation Group (NDSIG) focussed on the issue of Irish Sign Language on 28 November 2013. This meeting brought together representatives of relevant Departments, the NDA, the Deaf Community and other relevant stakeholders with a view to further progressing the implementation of the NDSIP in this regard.

The meeting reviewed the current situation across Government Departments and their Agencies with regard to promoting recognition of Irish Sign Language including in-service provision and provided the Deaf Community with the opportunity of presenting their experience of interaction with the Public Sector. It also provided a useful opportunity to examine mechanisms which could promote the further use and recognition of Irish Sign Language and understand practical implications for service users. Further to this meeting, the Deaf Community prepared a report to reflect their views on key actions and priorities. The intention is that the recommendations from this report will be reflected in the new National Disability Inclusion Strategy, through the incorporation of new actions and related performance indicators and timelines as appropriate. Progress on all relevant actions will then be monitored as part of the Inclusion Strategy's monitoring process. The focus therefore remains on the identification of mechanisms for the further promotion and recognition of Irish Sign Language with a view to promoting and supporting its use, thereby improving service delivery on the ground, rather than on the introduction of legislation or its designation as an official language.

The Committee may wish to note that the existing supports for use of Irish Sign Language in Ireland give a level of recognition and practical measures equal to, or above that, in countries which have formally recognised sign language.

Article 18.1 – The right to engage in a gainful occupation in the territory of other Parties

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

- 1 to apply existing regulations in a spirit of liberality

Applying Existing Regulations in a Spirit of Liberality

General Legal Framework- Update

- There remain no restrictions to the access of nationals from EEA countries to the Irish labour market, including Croatian nationals since Croatia's accession to the EU on 1st July 2013.
- Under Irish legislation it remains the case that an employment permit must be obtained in advance in respect of a non-EEA national who is to be employed in the State (except Swiss Nationals in accordance with the terms of the European Communities and Swiss Confederation Act, 2001). The policy in this area is to ensure that, as far as possible, job opportunities that arise in the State are filled by Irish or other EEA nationals. Ireland does not currently have a shortage of labour. Indeed, Ireland's current unemployment rate demonstrates a significant labour surplus. The average unemployment rate is also relatively high across Eurozone countries. Therefore, it is imperative that every opportunity is afforded to Irish and other EEA nationals to fill employment vacancies, in the first instance. In accordance with our EU obligations, employment permits policy is calibrated to encourage the meeting of general labour and skills needs from within the workforce of the European Union (and other EEA countries). Ireland's labour market is part of a much greater EEA labour market which affords a considerable supply of skilled workers.
- Economic migration policy for nationals from outside the EEA is vacancy-driven rather than based on quotas or points, which means that the core of the policy is the offer of a job. Where the relevant criteria are met in relation to a specific job offer, an employment permit may be granted.
- Since the report in 2011, a number of changes have been made to the employment permits system in Ireland. The Employment Permits Acts 2003 and 2006 have been amended by the Employment Permits (Amendment) Act 2014 to respond to current developments in the economy, providing flexibility to deal with changing labour market, work patterns and economic development needs. The Act provides for an employment permits regime which operates on a robust and transparent basis, shoring up protections for non-EEA nationals who choose to work in Ireland and providing, through the creation of nine new employment permit types, for a variety of employment scenarios. The orientation of the Irish employment permits system is to the attraction of highly skilled workers in occupations where there are acknowledged skills shortages, often on a global scale; for such workers, certain requirements otherwise applying to the issue of employment permits are waived. The employment permit type specifically designed to address such skill shortages is the Critical Skills Employment Permit. Other types of employment permit address temporary labour shortages, as well as sporting and cultural occupations and exchanges for educational purposes. The 2014 Act also codified access to the Irish labour market for secondments between affiliate companies and for the employees of foreign companies that have won contracts for service with Irish based companies.

The nine permit types are:

- Critical Skills Employment Permit to facilitate the access of highly skilled non-EEA professionals to opportunities in the Irish labour market – holders of Critical Skills Employment Permits may apply for immediate family unification, and their family members may avail of a specific category of employment permit, should they choose to work in Ireland. On completion of the period of the employment permit, where the holder has conformed to the terms of its issue, the foreign national may be granted an immigration status that allows him/her to work in the State without requiring an

employment permit. The skills for which a Critical Skills Employment Permit may be issued are included on the Highly Skilled Occupations List and fall into a number of categories – financial, medical, engineering and ICT;

- General Employment Permit provided for skills of a more general nature where it is proven, through a Labour Market Needs Test (LMNT), that the employer was unable to fill the position from the Irish/EEA labour market, and where the occupation is not on the Ineligible Categories of Employment for Employment Permits list;
- Dependant/Partner/Spouse Employment Permit to allow the immediate families of highly skilled individuals holding Critical Skills Employment Permits to access the labour market. No LMNT is applied to this permit type, it attracts no fee, and the Ineligible Categories List is not applied. These employment permits may be issued for part-time and full-time employment;
- Intra-Company Transfer Employment Permit to enable companies to transfer staff between foreign and Irish affiliates on a temporary basis (up to five years) while maintaining the permit holder's employment contract with the foreign employer. No LMNT is applied to this permit type;
- Contract for Service Providers Employment Permit to enable the staff of a contracted foreign company to work temporarily in Ireland, to fulfil their duties under the terms of a contract held with an Irish company. An LMNT is required, where the occupation is not on the Highly Skilled Occupations List, before such a permit can be issued;
- Reactivation Employment Permit to allow foreign nationals who originally had an employment permit but who have fallen outside of the Employment Permits system through no fault of their own to apply for a new permit. No LMNT is applied, and the Ineligible Categories of Employment List is waived;
- Exchange Agreement Employment Permit to allow foreign nationals to participate in specified exchange programmes, such as the Fulbright programme, on a reciprocal basis. No LMNT is applied. The current duration of this employment permit is twelve months;
- Sports & Cultural Employment Permit to enable sports and cultural undertakings to employ foreign nationals with specialised skills in those spheres. No LMNT is applied;
- Internship Employment Permit to allow students of foreign institutions to undertake temporary employments here, where the employment is on the Highly Skilled Occupations list and the internship is an essential part of their degree programme. No LMNT is applied; the maximum duration of this permit type is twelve months.

In addition to the clarity provided to applicants by the introduction of these clearly purposed employment permit types, the 2014 Amendment Act also provides for a number of balances to avoid disruption to the Irish labour market and to fulfil our EU obligations regarding community preference under the Treaties:

- the LMNT ensures that the employment is advertised in the first instance to EEA nationals;
- an employer who wishes to employ a non-EEA national on the basis of an employment permit is required to ensure he/she has a staff comprising at least 50% EEA nationals. The 50:50 rule operates to support integration of non-EEA nationals, and to minimise the possibility of advantage being taken of a workforce unfamiliar with Irish labour norms.

An additional development since the 2011 report is the introduction of an evidence-based review of two types of occupations for the purposes of the employment permits system and which ensure the employment permits regime is aligned with ever evolving labour market conditions:

- The Highly Skilled Eligible Occupations Lists (HSEOL) sets out the lists of eligible occupations deemed to be critically important to growing Ireland’s economy, are highly demanded and highly skilled, and are in significant shortage of supply in our labour market. This list is an integral part of the Critical Skills Employment Permit which is designed to attract highly skilled people into the labour market with the aim of encouraging them to take up permanent residence in the State. In addition, where the occupation that is the subject of a Contract for Services Employment Permit or General Employment Permit is on the HSEOL, a waiver of the Labour Market Needs Test applies. This is logical since it has already been demonstrated that a skills shortage exists.
- The Ineligible Categories of Employment List includes those occupations for which there is a clear surplus of adequately skilled Irish and EEA nationals in the wider labour force.

These lists are reviewed and updated bi-annually and the review is predicated on a formalised and evidence-based process. Such a process involves obtaining and considering advice from the Expert Group on Future Skills Needs (EGFSN) and Skills and Labour Market Research Unit (SMLRU - SOLAS). It also involves input from relevant Government Departments, State Agencies, and industry as necessary.

The EGFSN’s Annual Skills Bulletin contributes principally to the Department’s ongoing monitoring of the labour market. This Bulletin draws on data on employment, vacancies, job announcements and immigration and other qualitative information held in the National Skills Database (in SOLAS), to identify imbalances in the Irish labour market at occupational level.

Statistics

Table 1 shows the overall figures for applications, grants and refusals of employment permits for the years 2011-2014

Year	Issued	Refused	Total applications	Refusal rate
2011	5200	1007	6408	16%
2012	4007	829	5082	16%
2013	3863	541	4526	12%
2014	5495	503	6142	8%

Table 1: Employment permits overall statistics 2011-2014

Table 2 shows the overall figures for applications, grants and refusals for Non-EEA States Parties to the Charter 2011-2014

Year	Issued	Refused	Total applications	Refusal rate
2011	268	61	354	17%
2012	279	49	322	15%
2013	285	39	332	12%
2014	359	22	386	6%

Table 2: Employment Permits Non-EEA States Parties 2011-2014

As requested by the Committee, tables 1 and 2 above provide information on the number of employment permit applications received for the years 2011 – 2014. Applications are refused for a variety of reasons; examples of refusal reasons are: where the applicant has not got the

correct immigration permission to make an employment permit application, where the minimum annual remuneration does not achieve the prescribed level, where the prospective employer is not correctly registered with Companies Registration Office, where the prospective employee is not qualified for the position applied for or not registered with the required authority where this applies, or where the wrong type of employment permit has been applied for. The statutory bases for refusing an employment permit application are set out in s12 of the Employment Permits Act 2006, as amended. It is important to note that the Government's policy is that employment opportunities which arise in Ireland should, in the first instance, be offered to suitably skilled Irish and other EEA nationals, and should only be offered to non-EEA nationals 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. Thus where the LMNT is required to be conducted, it takes place before the application for an employment permit for a non-EEA national is made, and is not usually connected with the refusal of applications (except in those instances where it is required but has not been undertaken, or has been incorrectly undertaken).

In relation to employments which are regulated in the State, some of the regulatory bodies operate reciprocal arrangements with equivalent bodies in other jurisdictions, so that membership of such bodies can be recognised in Ireland and where this is the case, that recognition is accepted for the purpose of an employment permit application. The recognition of foreign qualifications is undertaken by NARIC Ireland, a constituent of Quality and Qualifications Ireland, a state agency operating at the behest of the Minister for Education and Skills.

Article 18.2 – The right to engage in a gainful occupation in the territory of other Parties

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

- 2 to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers;

Administrative Formalities

The employment permit application process was streamlined in 2013, reducing the volume of supporting documentation required, requiring, where appropriate, a LMNT of shorter duration, and removing a number of restrictions to applicants from within Ireland if they have a valid legal status and are applying for an eligible occupation. In addition, during 2015, a scheme known as the Trusted Partner Registration Scheme, was introduced which provides for the pre-registration of prospective employers and speeds up the processing of applications by removing the need for duplicated provision of employers' credentials with each permit application.

Parties to an employment permit are now required to confirm through a Declaration included on the application form that their application meets the criteria for the type of employment permit that they are seeking. This Declaration acquired a statutory footing via the Employment Permits (Amendment) Act 2014.

That Act and its supporting Regulations operates to provide a degree of clarity for applicants; the combination of simplifying the application process by reducing documentation requirements and commencing a clearly structured statutory framework for applications has had a clear positive impact on the number of successful applications received in 2013 and 2014, and this trend appears to be continuing in 2015.

In order to maintain standards while simplifying the application process, an increased level of monitoring and enforcement by the investigators of the National Employment Rights Authority has been put in place.

Chancery Dues and Other Charges

Ireland notes that the Committee observes that the amount of fees has gone up since its last examination of the situation, when they ranged between €65 and €500. However, a like for like comparison is not being made. From 2003 to 2006 processing fees ranged from €65 to €500 **depending on the duration of a permit**. For example, it was possible at that time to obtain an employment permit for a duration of 1 month for a fee of €65, 2 months for a fee of €95 and so on - up to a maximum fee of €500 for an Employment Permit with a duration of 6 to 12 months. There were a number of problems with this system. Firstly, the fees did not cover the administration costs of the processing. Secondly, the duration of the employment permits were low and dis-incentivised applications by limiting permits to a maximum of one year and requiring permit holders to renew permits frequently. A permit holder who worked in Ireland at that time over a period of 5 years would have had to renew their permits on at least 4 separate occasions and would have incurred a cost of €2,500. In 2007, a new system was introduced aimed at attracting skilled workers and at reducing the ongoing administrative burden on applicants and ensuring that the fee covered the administration costs involved. The new system included provision for a 2 year Employment Permit with one renewal stage to extend the permit by a further 3 years. Therefore, a permit holder who worked in Ireland over a period of 5 years under the new regime would have had to renew their permits on just one occasion and would have incurred the same total fees of €2,500. It was still possible to apply and receive employment permits of less than 6 months and therefore go through multiple renewals but generally Ireland found that applicants preferred the additional longevity of the permits.

An employment permit fees review was undertaken in 2015. **This review confirmed current fee levels conform to the cost recovery principle which provides that the full cost of activities and services are recovered in the medium term. Ireland's charges are comparable with fees charged in a number of other jurisdictions.** Moreover, 25% of

employment permits applications attract no fee, and in the case of applications which are not granted, 90% of any fee paid is refunded.

As part of the fees review a survey was circulated: in relation to current fee levels, 87% of respondents indicated that they felt current fees represent value for money and only 17% of respondents indicated that a change in fee levels would have any impact on their use of the employment permits system.

A further fees review is planned in 2016, to ensure the continued alignment of fee income and the cost of providing the service in the context of developing online service provision.

Fees for employment permits are set out in the Table on the following page.

Employment permit category	Application fee for grant	Application fee for renewal
Critical Skills Employment Permit	€1,000	N/A
Intra-Company Transfer Employment Permit	€500 – 6 months or less €1,000 – more than 6 months, up to 24 months	€500 – 6 months or less €1,000 – more than 6 months, up to 24 months €1,500 – more than 24 months, up to 36 months
General Employment Permit	€500 – 6 months or less €1,000 – more than 6 months, up to 24 months	€750 – 6 months or less €1,500 – more than 6 months, up to 36 months
Contract for Services Employment Permit	€500 – 6 months or less €1,000 – more than 6 months, up to 24 months	€750 – 6 months or less €1,500 – more than 6 months, up to 36 months
Reactivation Employment Permit	€500 – 6 months or less €1,000 – more than 6 months, up to 24 months	€750 – 6 months or less €1,500 – more than 6 months, up to 36 months
Sport & Cultural Employment Permit	€500 – 6 months or less €1,000 – more than 6 months, up to 24 months	€750 – 6 months or less €1,500 – more than 6 months, up to 36 months
Internship Employment Permit	€500 – 6 months or less €1,000 – more than 6 months, up to 24 months	€750 – 6 months or less €1,500 – more than 6 months, up to 36 months

Table 3: Employment Permits Fees

Net fees payable 2011-2014 (€m)	
2011	2.7
2012	2.6
2013	3.2
2014	4.0

Table 4: Net fees payable to the Department in respect of employment permits

Article 18.3 - The right to engage in a gainful occupation in the territory of other Parties

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

- 3 to liberalise, individually or collectively, regulations governing the employment of foreign workers;

Liberalising Regulations

Employment permits can be issued for a period of up to two years and can be renewed for a period of up to three years. After five years, an employment permit holder may apply to the Minister for Justice and Equality for an immigration permission that obviates the need for an employment permit.

We can confirm to the Council that in 2009, the Department revised its policy in relation to employment permit holders who have been made redundant. The revised policy recognises the

need for a humane approach where redundancies are occurring - a permit holder made redundant will continue to have up to six months from the date of redundancy to seek alternative employment. This policy has been given a statutory footing by the Employment Permits (Amendment) Act 2014.

In addition, if the Critical Skills or General Employment Permit holder made redundant finds another job, they will be exempted from certain rules that would otherwise apply, i.e. LMNT in the case of the General Employment Permit, and eligibility criteria in relation to the job ie if they have been made redundant from an occupation that is subsequently ineligible for the type of permit that they held, because it has been added to the Ineligible Categories of Employment for Employment Permits List or it has been removed from the Highly Skilled Eligible Occupations List, and they are offered the same job by a different employer, then an employment permit application will be considered for the same employment permit type.

Since 2013, employment permits for occupations designated highly skilled have been granted in all sectors of the economy (prior to this, Green Cards for example, for software developers could be granted only for vacancies specifically in the IT sector), and holders of Intra-Company Transfer Employment Permit and Contract Service Provider Employment Permit are permitted to apply for other types of employment permits while in the State, which had not previously been permitted. In addition, a reduced remuneration threshold for employment permits has been applied to IT Graduates (both graduates of Irish and foreign colleges) and for Specialist Language Support & Technical or Sales Support with fluency in a non-EEA language for client companies of the Enterprise Development Agencies.

Non-EEA nationals who wish to work in Ireland must seek permission (generally) to do so from the Minister for Jobs, Enterprise and Innovation via an employment permit application. Under an agreement made with the Minister for Justice and Equality in 2013, non-EEA nationals in certain circumstances may apply for permission under an Atypical Working Scheme (AWS) to work in the State on a very temporary basis (under 90 days). The AWS may also be used where an employment is of a non-standard type that cannot be accommodated by the Employment Permits system.

Article 18.4 - The right to engage in a gainful occupation in the territory of other Parties

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

and recognise:

- 4 the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Parties.

It remains the case that there are no restrictions on Irish nationals leaving the State for any other jurisdiction for employment purposes.

Article 20 – The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- a access to employment, protection against dismissal and occupational reintegration;
- b vocational guidance, training, retraining and rehabilitation;
- c terms of employment and working conditions, including remuneration;
- d career development, including promotion.

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Under its theme of equalising socio-economic opportunity for women, the National Women's Strategy 2007-2016 acknowledges the importance of employment to women's economic independence and empowerment. Childcare, social protection measures, anti-discrimination legislation, promotion of employer good practice and awareness-raising are among other measures introduced within the framework of the National Women's Strategy to ease the burden on working parents and encourage female participation in the workforce. Reducing the gender pay gap is included as a specific objective of the Strategy.

An estimate of the overall progress made towards gender equality over the period of the National Women's Strategy is given by the results of the second EU Gender Equality Index, published by the European Institute for Gender Equality (EIGE) in June 2015. Each EU Member State is awarded scores of between 1 and 100 points awarded, with 100 representing full equality, representing their achievements in 2005, 2010 and 2012. Ireland is one of the EU Member States which is assessed as having made the greatest advances since 2005, with its score increasing by 5.7 points from 50.8 in 2005 to 56.5 in 2012. The most significant improvements occurred in the domains of power, with increased gender balance in decision-making, and of work, reflecting increased participation of women in the labour market. However, in the domain of time which assesses how women and men divide their time, a considerable drop of 13.5 points indicates negative work-life balance issues predominantly affecting women. In respect of 2012, the most recent year for which the Index is calculated, Ireland is ranked 8th overall in the EU with 52.9 points. This is 17 points behind the leader, Sweden, but 3.6 points ahead of the EU average. Ireland performs above the EU average on all domains other than that of power:

- 8th on work (65.8 compared with EU average of 61.9)
- 6th on money (79.0 compared with EU average of 67.8)
- 8th on knowledge (54.3 compared with EU average of 49.1)
- 5th on time (52.0 compared with EU average of 37.6)
- 15th on power (31.4 compared with EU average of 39.6) and
- 2nd on health (95.2 compared with an EU average of 90.0).

The number of women at work in Ireland increased by a half to 885,900 in the period from 1998 to 2014, with women accounting for over 45% of the total workforce. Recent figures, for Q2 2015, shows that the (seasonally adjusted) labour market participation rate for women was 52.5% and the unemployment rate was 8.1%, in comparison with 67.7% and 10.8%, respectively, for men. A third of women work part-time and 21% of this number (64,000 women) are underemployed and seeking to increase their hours. Only 13% of male employees work part-time, but 39% of them (approx. 55,000 men) are seeking to increase their hours. Approximately one in six (16.8%) of married women in the workforce worked for 40 hours or more per week, compared to almost half of married men. The most recent figures available for the Gender Pay Gap in Ireland relate to 2012, when it stood at 14.4%, in comparison with the EU average figure of 16.4%.

The mid-term review of the National Women's Strategy, published in 2014, noted that the complexity of the gender pay gap required ongoing consideration of a number of issues central to all aspects of the labour market engagement of women, including the level of the minimum wage - namely the availability of childcare to support women's labour market engagement; the greater sharing of family responsibilities; the advancement of women into leadership roles and the encouragement of women to enter into a broad range of career options. It was recommended that work continued to ensure that all of these topics are kept in focus to ensure that Ireland continues to have a comparatively low gender pay gap.

A Sub-Committee of the National Women's Strategy Monitoring Committee, chaired by the then Minister of State with responsibility for Equality Kathleen Lynch TD, has explored ways of advancing women in decision-making roles across a number of sectors, including in both the public and the private sectors. The Group's report, entitled "*Towards Gender parity in Decision-making in Ireland*", was adopted by Government in March 2014. From 2013-2015, several of the report's recommendations are being advanced through an EU-funded positive action programme to promote gender balance in decision-making in the public and private sectors in Ireland, led by the Department of Justice and Equality in partnership with the National Women's Council of Ireland and the employer's body, Ibec. One of the projects funded under this initiative is the W-LEAD pilot programme (Women in the LEAD – leadership, engagement, advancement and development), which aims to contribute to addressing the gender imbalance at the two most senior levels of the Irish Civil Service.

The Government has emphasised the importance of greater sharing of family responsibilities between women and men as a key support for women's labour market participation and for their advancement into decision-making roles. The Government recently announced (October 2015) that statutory paternity leave of 2 weeks is to be introduced, together with a new Paternity Benefit, in respect of births from September 2016. It is intended that a Family Leaves Bill will be published later this year providing for the consolidation into one piece of legislation the current provisions regarding maternity, adoptive, parental and carer's leave.

The policy adopted by the Government is to support the professionalization of the childcare sector and to improve quality, affordability and accessibility through a coherent whole-of-government approach to investment in early years and after-school care and education. A package of measures announced in the recent Budget includes a second free pre-school year under the early childhood care and education programme, additional supports for children with a disability in mainstream pre-school settings, extra childcare places for low income and disadvantaged families, an enhanced inspection regime and measures to improve the provision of after-school childcare.

The Equality for Women Measure (EWM) provided training to over 12,145 women between 2007 and 2013. The Department of Justice and Equality has commenced a new activity, the "Women Returning to the Workforce and Women's Entrepreneurship", with co-funding from the EU as a component of the ESF-funded Programme for Employability, Education and Learning 2014-2020 (PEIL). Designed to assist the return to the labour market of a cohort of women who are currently detached from the labour market, this activity programme will offer locally delivered development courses focusing on self-development and work related skills, with a separate strand targeting an increase in female entrepreneurship.

Using national and EU funds, Gender Equality Division of the Department of Justice and Equality and the Irish Human Rights and Equality Commission (the national equality body, formerly the Equality Authority) have worked with the social partners, civil society and others

on projects to promote work-life balance and advance gender equality in employment. Projects undertaken with the employers' representative body, Ibec, include the following:

- Production of a maternity and parenting toolkit to help employers to develop good working practices for dealing with pregnancy, expectant parents, maternity and adoptive leave, and post-maternity employment issues. This toolkit is available to the public and continues to be promoted by Ibec to its membership.
- Production of a diversity audit tool for employers to review their company policies, practices, systems and procedures and ensure they meet statutory equality requirements and best practice in diversity. Publicising case studies showing how employers are using flexible working to support work-life balance.

Pensions

Generally, it is unlawful under Part VII of the Pensions Act 1990 to discriminate directly or indirectly in relation to occupational pensions including on grounds of gender. The Protection of Employees (Part-Time Work) Act 2001 affords part-time employees the right not be treated less favourably than comparable full-time employees in respect of their conditions of employment. The Act covers conditions of employment which, in relation to a pension arrangement, include eligibility for membership, entitlements to rights under the pension arrangement, and conditions relating to the making of contributions.

The Act provides that a part time employee may be treated in a less favourable manner than a comparable full time employee where such treatment can be justified on objective grounds. A ground would be considered as an objective ground for treatment in a less favourable manner, if it is based on considerations other than the status of the employee as a part-time worker and the less favourable treatment is for the purpose of achieving a legitimate objective of the employer and such treatment is necessary for that purpose²⁴.

In relation to any pension scheme or arrangement, this provision applies where the part-time employee works less than 20% of the normal hours of work of the comparable full-time employee. In framing this legislation it was considered that such persons may be excluded from such schemes on the grounds that the administrative costs of providing access to persons with such little service may exceed the benefits that might accrue to them from the scheme. However, it is important to note that the employer's pension scheme may override this exception and treat all part-time employees in the same way as permanent employees. A pro-rata principle applies to the amount or scope of benefits under conditions of employment. Generally this means that benefits and/or contributions are reduced for part-time workers in proportion to the number of hours worked.

Notwithstanding the above, the Pensions (Amendment) Act 2002 provides a framework for Personal Retirement Savings Accounts (PRSAs)²⁵. PRSAs are a long-term personal retirement account designed to meet the requirements of current and future employment patterns and to encourage pension provision by enabling people, especially those with no occupational scheme/personal provision, to save for retirement in a flexible manner. Employers, who do not provide an occupational pension scheme for their employees, are obliged to provide access to at least one Standard PRSA. This rule applies to all employers, irrespective of the number of employees and the status of those employees (i.e. whether they are full-time, fixed-term, part-

²⁴ https://www.workplacerelements.ie/en/Publications_Forms/Guide_to_Protection_of_Employees_Part-time_Work_Act.pdf

²⁵ PRSA's are individual insurance contracts rather than group pension scheme or occupational pension scheme.

time, contract). Under the legislation, access to a PRSA must be given to ‘excluded employees’ who are:

- Employees of an employer who does not offer an occupational pension scheme, or
- Employees who are included in a scheme for death-in-service benefits only, or
- Employees who are not eligible to join an occupational scheme or will not become eligible to join the scheme within six months from the date they began work there, or
- Employees included in a scheme that does not permit the payment of additional voluntary contributions (AVCs) by members.

Article 24 – The right to protection in cases of termination of employment

With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:

- a the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;
- b the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief.

To this end the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.

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Following the enactment and commencement of the Workplace Relations Act 2015, the relevant adjudicatory bodies for new cases under the Unfair Dismissals legislation and cases under the Employment Equality legislation will be an Adjudication Officer of the new Workplace Relations Commission and, on appeal, the Labour Court.

Safeguards for Employees in Situations of Dismissal where Worker Alleges a Violation of the Law- Protected Disclosures Act 2014

With regard to the Committee comments that national legislation should include explicit safeguards against termination of employment on grounds where a worker alleges a violation of the law, the Protected Disclosures Act 2014 amended the “definitions” section of the Unfair Dismissal Acts 1977 to 2015 to provide that a reference to ‘protected disclosure’ in the Unfair Dismissals Act has the meaning given by the Protected Disclosures Act 2014.

The Protected Disclosures Act amended the Unfair Dismissals to provide that dismissal for making a “protected disclosure” is an unfair dismissal (new section 6(2)(ba) of the Unfair Dismissals Act). The Protected Disclosures Act also provided for enhanced protections for employees under the Unfair Dismissals Acts which are applicable to dismissals which come within the meaning of the Protected Disclosures Act. These enhanced protections are as follows:

- An employee may apply for interim relief (on application to the Circuit Court) in cases where a claim is brought for redress for a dismissal which is an unfair dismissal by virtue of section 6(2)(ba) of the Unfair Dismissals Act 1977 (i.e. a dismissal for making a protected disclosure). Provisions on interim relief have also been included in the Industrial Relations (Amendment) Act 2015.
- The limitations relating to the length of service that usually apply (usually one year’s service) in the case of Unfair Dismissals are set aside in the case of protected disclosures within the meaning of the Protected Disclosures Act.
- Enhanced compensation of up to a maximum of five years’ remuneration can be awarded in the case of an unfair dismissal for having made a protected disclosure (normally a maximum of two year’s remuneration applies). (The Protected Disclosures Act also provides for enhanced compensation of up to 5 years’ remuneration for penalisation (other than dismissal) in Schedule 2 of the Protected Disclosures Act.) However, the amount of compensation may be up to 25% less than it would otherwise be if the investigation of the relevant wrongdoing concerned was not the sole or main motivation for making the disclosure,.

This reduction applies to both awards made for a “protected disclosure” dismissal under the Unfair Dismissals Act and for penalisation (other than a dismissal).

Unfair Dismissals Act- Requirement for One Year’s Continuous Service

As the ECSR has previously noted, the Unfair Dismissals Acts 1977 to 2007 do not apply to a person who has been in the continuous service of the same employer for less than one year, with some exceptions. The legislation also does not cover employees on probation or undergoing training of up to one year’s duration. However, in order for the exclusion in relation to probation and training to apply, a written employment contract must be in place and the duration of the probation or training must be one year or less and be specified in the employment contract.

However, the requirement of one year’s continuous service does not apply where the dismissal results from the following:

- Where an employee has made a “protected disclosure” within the meaning of the Protected Disclosures Act 2014;
- An employee’s pregnancy, giving birth or breastfeeding or any matters connected therewith;
- The exercise or proposed exercise by an employee of a right under the Maternity Protection Acts 1994 and 2004;
- The exercise or contemplated exercise by an employee of the right to adoptive leave, or additional adoptive leave under the Adoptive Leave Acts 1995 and 2005 ;
- The exercise or proposed exercise by the employee of the right to Parental Leave or Force Majeure Leave under and in accordance with the Parental Leave Acts 1998 and 2006;
- An employee’s entitlements, future entitlements, exercise or proposed exercise of rights under the National Minimum Wage Act 2000;
- An employee’s trade union membership or activities, either where those activities take place outside working hours or at those times during working hours when permitted by the employer;
- The exercise or proposed exercise by the employee of the right to carer’s leave under and in accordance with the Carer’s Leave Act 2001.

In the case of statutory apprentices, the Unfair Dismissals Acts do not apply if the dismissal takes place within 6 months after the commencement of the apprenticeship or within one month after the completion of the apprenticeship. Therefore, there is, in effect, only a minimum service requirement of 6 months in the case of a statutory apprentice in order to take an unfair dismissal case.

When determining if an employee has the necessary service to qualify under the Acts, the adjudicatory bodies may consider whether the employment of a person on a series of two or more contracts of employment, between which there were no more than 26 weeks of a break, was wholly or partly for or connected with the avoidance of liability by the employer under the Acts. Where it is so found, the length of the various contracts may be added together to assess the length of service of an employee for eligibility under the Acts.

Where an employee has been dismissed on any of the nine grounds of discrimination under the Employment Equality Acts 1998 to 2011, it is open to the employee to take a case of Discriminatory Unfair Dismissal under those Acts. It should be noted that there is no minimum service requirement under the Employment Equality Acts. The Acts prohibit discrimination against persons in employment, persons seeking access to employment or persons participating in vocational training on nine grounds. These nine grounds are as follows: gender, civil status, family status, sexual orientation, religious belief, age, disability, race and membership of the Traveller community. The Employment Equality Acts also outlaw victimisation; that is, discrimination against an individual because he or she has taken a case or is giving evidence under equality legislation, or has opposed by lawful means discrimination which is prohibited under this legislation.

An employee would also have the option of taking a case in the civil courts for breach of contract in a dismissal situation.

Alternatively, an employee with less than one year's service could take a "trade dispute" case under the Industrial Relations Acts to the Workplace Relations Commission or to the Labour Court. While compliance with the Decisions in these types of industrial relations cases is not legally binding, it provides a forum for the hearing of dismissal cases for those employees with less than one year's service.

Retiring Age

Apart from public sector employees, where certain statutory retirement ages may apply, there is no statutory retirement age for employees in Irish legislation. A contract of employment will generally contain a retirement age but this is a matter of contract between the parties.

The upper age limit for bringing claims under the Unfair Dismissals Acts 1977 to 2007 was removed by a provision in the Equality Act 2004. It is now the case that a person of any age, when dismissed, may take a case under the Unfair Dismissals Acts unless she or he has reached the "normal retiring age for employees of the same employer in similar employment", if one exists. In such circumstances, the burden of proof is on the employer to prove the normal retiring age. Furthermore, the upper age limit of 66 years for receipt of statutory redundancy payments was removed by the Protection of Employment (Exceptional Collective Redundancies and Related Matters) Acts 2007.

As the issue that arises around compulsory retirement at a given age is whether this entails discrimination on age grounds, the more usual avenue of redress for employees compulsorily retired is to take a claim, under the Employment Equality Acts, to the Workplace Relations Commission.

Responsibility for employment equality legislation rests with the Minister for Justice and Equality. As of December 2015 the Minister for Justice and Equality is bringing the Equality (Miscellaneous Provisions) Bill through the Houses of the Oireachtas (Parliament). The Bill amends Section 34(4) of the Employment Equality Acts to bring it fully into line with Framework Directive 2000/78/EC and the interpretation of that Directive by the Court of Justice of the European Union (CJEU). The CJEU rulings provide that it is not unlawful for an employer to fix a compulsory retirement age for employees provided it can be objectively and reasonably justified by a legitimate aim, including legitimate employment policy, labour

market and vocational training objectives, and if the means of achieving that aim are appropriate and necessary.

Article 25 – The right of workers to the protection of their claims in the event of the insolvency of their employer

With a view to ensuring the effective exercise of the right of workers to the protection of their claims in the event of the insolvency of their employer, the Parties undertake to provide that workers' claims arising from contracts of employment or employment relationships be guaranteed by a guarantee institution or by any other effective form of protection.

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The Committee asks what is the national average weekly wage.

Year (at 31 st December)	Average Weekly Wage
2011	€ 621.86
2012	€ 622.40
2013	€ 624.57
2014	€ 641.35

The Committee asks for information on the average duration of the period when a claim is lodged until the worker is paid.

The average duration period from the lodgement of a completed claim until payment from the insolvency payments scheme over the course of 2014 was 10 weeks as set out in the following table. By 31 December 2014 the waiting time was reduced further to six weeks.

Year	Average Claim Processing time
2011	20 weeks
2012	20 weeks
2013	16 weeks
2014	10 weeks

The Committee asks what guarantees exist for workers that their claims will be satisfied if a company is not legally insolvent.

At present, under the terms of the Protection of Employees (Employers' Insolvency) Act, an employer must become legally insolvent for employees to come within the Scheme. In situations where an employer has not become formally insolvent the employer remains responsible for payment of all employee entitlements. A review is currently being undertaken by DSP to establish what can be done in respect of outstanding pay related entitlements for employees in these situations.

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The purpose of the Insolvency Payments Scheme, which operates under the Protection of Employees (Employers' Insolvency) Act 1984 (Act No. 21 of 1984) which, in turn, derives from EU Council Directive 80/987/EEC, is to protect certain outstanding pay-related entitlements due to employees in the event of the insolvency of their employer. Under the terms of the Act, an employer must become legally insolvent for employees to come within the

Scheme. These entitlements include arrears of wages, holiday pay, sick pay, pay in lieu of statutory notice and certain unpaid pension contributions. Also included are certain employment rights-related awards, such as those made under unfair dismissals, equality, maternity and adoptive/parental leave legislation. Payments calculated on the basis of wages are limited to 8 weeks and to a ceiling of €600 per week in most cases. (This limit is the same as that applied to Redundancy Payments). The Minister becomes a creditor against the assets of the insolvent employer on the winding-up of the business in place of the employee in respect of payments made under the Scheme. The implementation of the Insolvency legislation is the responsibility of the Department of Social Protection. The insolvency payments scheme is administered by the insolvency payments section of this Department.

The following entitlements are protected in the case of the insolvency of the employer:

1. Arrears of wages.
2. Deductions such as union dues, health insurance, etc., made from wages by agreement but not paid to the relevant body.
3. Arrears of sick pay due under an occupational sick pay scheme (limited to the difference between any disability or injury benefit in addition to any pay-related benefit payable under the Social Welfare Acts and normal weekly remuneration).
4. Holiday pay.
5. Pay in lieu of the statutory notice entitlement set out in the Minimum Notice and Terms of Employment Act 1973, or payment of an award by the Employment Appeals Tribunal under that Act.
6. An amount which an employer is required to pay under an Employment Regulation Order within Part IV of the Industrial Relations Act 1946 where proceedings have been instituted.
7. An amount which an employer is required to pay by order of the Labour Court under a Registered Employment Agreement within Part III of the Industrial Relations Act 1946, or in respect of which proceedings have been instituted.
8. Certain arrears of pension or PRSA contributions deducted but not paid into the pension scheme or PRSA.
9. An amount which an employer is required to pay under a determination, decision, order, award, recommendation or mediated settlement (as appropriate) under the following legislation:
 - Unfair Dismissals Act 1977 or damages at common law for wrongful dismissal
 - Employment Equality Act 1998
 - Maternity Protection Act 1994
 - Adoptive Leave Act 1995
 - Parental Leave Act 1998
 - National Minimum Wage Act 2000

- Carer's Leave Act 2001
- Payment of Wages Act 1991
- Terms of Employment (Information) Act 1994
- Protection of Young Persons (Employment) Act 1996
- Organisation of Working Time Act 1997
- Protections for Persons Reporting Child Abuse Act 1998
- European Communities (Protection of Employment) Regulations 2000
- Protection of Employees (Part -Time Work) Act 2001
- Competition Act 2002
- Protection of Employees (Fixed -Term Work) Act 2003
- European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003
- Industrial Relations (Miscellaneous Provisions) Act 2004 – award by a Rights Commissioner concerning victimisation
- Employment Permits Act 2006 – award by a Rights Commissioner concerning penalisation of an employee.

The full text of the Protection of Employees (Employers' Insolvency) Act 1984 may be accessed at <http://www.irishstatutebook.ie/1984/en/act/pub/0021/index.html>.

A guide to the Insolvency Payments Scheme is available at:

<http://www.welfare.ie/EN/Schemes/RedundancyandInsolvency/insolvency/Pages/Index.aspx>

Relevant Statistics

The following table shows the claims received and amounts paid out due to Insolvency from 2011 to 2014.

<u>Year</u>	Claims Received	Insolvency Amount Paid Out	Insolvency Amount Recovered
2011	8,662	€ 18,499,000	€ 761,000
2012	7,352	€ 21,664,000	€ 1,754,000
2013	8,354	€ 22,047,000	€ 1,791,000
2014	6,469	€ 23,592,000	€ 2,307,000
<u>Total</u>	30,837	€ 85,802,000	€ 6,613,000

2014 Conclusions

Article 4.2 – The right to a fair remuneration

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

- 2 to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;

Payment in respect of Overtime

The Independent Review of the Joint Labour Committee (JLC) and Registered Employment Agreement (REA) Wage Setting Mechanisms (Duffy Walsh 2011) recommended the standardisation of benefits in the nature of pay– including overtime – across sectors covered by Joint Labour Committees either by means of a nationally agreed Social Partnership protocol or a statutory Code of Practice. Subsequent to that Review both the JLC and REA systems were found to be unconstitutional.

The Industrial Relations (Amendment) Act 2012 was subsequently enacted to reform the JLC and REA systems and to provide for their continued effective operation. Following introduction of the legislation the Workplace Relations Commission (formerly the Labour Relations Commission) was asked to prepare a statutory Code of Practice on Overtime which should address the range of appropriate rates for overtime and the conditions under which they should become payable, including the number of hours worked before and entitlement to overtime payments would arise. While the Code is being developed two JLCs agreed proposals on pay and other terms and conditions of employment for their sector (Contract Cleaning and Security) and these were signed into law on October 1st 2015 by means of Employment Regulation Orders. Both Orders provide for overtime rates and terms which apply to all workers in those respective sectors.

<https://www.djei.ie/en/Legislation/SI-No-418-of-2015.html>

<https://www.djei.ie/en/Legislation/SI-No-417-of-2015.html>

Sunday Premium

The Organisation of Working Time Act 1997 provides for a premium for working on Sunday. Section 14 of the Act confers on an employee an entitlement to compensation if the employee is required to work on that day and if the fact of having to do so has not been taken into account in the determination of his/her pay. The compensation may take the form of (a) the payment of an allowance or (b) an increased rate of pay or (c) the grant of paid time off or (d) a combination of two or more of the above listed means. The allowance, the increase in pay and the paid time off while not specified in quantitative terms in the Act must be reasonable, relative to the employment circumstances of the individual employee. What is reasonable in this sense is ordinarily determined by reference to the compensation for Sunday working payable to a comparable employee as specified in a collective agreement in force in respect of a similar industry/business sector. This is the principle followed in cases relating to Sunday work compensation coming before Rights Commissioners. If an employee is not in receipt of a premium for Sunday work and if the employer refuses to grant such a premium it is open to the employee to take a case to a Rights Commissioner.

Holidays

Under section 19 of the Organisation Of Working Time Act 1997 an employee is entitled to paid annual leave as follows:

- (a) 4 working weeks in a leave year in which he/she works at least 1365 hours (unless it is leave year in which he/she changes employment) or
- (b) one-third of a working week for each month in the leave year in which he/she works at least 117 hours, or
- (c) 8 per cent of the hours he/she works in a leave year (but subject to a maximum of 4 working weeks).

The pay for the above leave is current gross pay.

Accrual of Annual Leave while on Sick Leave

Section 86(1) of the Workplace Relations Act 2015 amends the Organisation of Working Time Act to provide that statutory annual leave entitlement accrues during a period of sick leave. An annual leave carryover period of 15 months after a leave year will apply to those employees who could not, due to illness, take annual leave during the relevant leave year or during the normal carryover period of 6 months. On termination of employment, payment in lieu of untaken accrued annual leave will apply to leave which was untaken as a result of illness in circumstances where the employee leaves the employment within a period of 15 months following the end of the leave year during which the statutory leave entitlement accrued. The amendment brings the Organisation of Working Time Act into line with rulings of the Court of Justice of the EU in the Schultz-Hoff line of cases.