



TPN 025/2019

The Permanent Mission of Ireland to the United Nations Office at Geneva presents its compliments to the Secretary General of the United Nations (High Commissioner for Human Rights) and has the honour to refer to TPN 022/2019 and to Communication No. OL IRL 1/2019, submitted to the Special Procedures Branch on 12 April 2019.

By way of complementary information to Communication OL IRL 1/2019, the Permanent Mission of Ireland wishes to share with the Special Procedures Branch the enclosed joint press statement issued by the Department of Justice and Equality; Department of Transport, Tourism and Sport; Department of Business, Enterprise and Innovation; Department of Agriculture, Food and the Marine; and the Workplace Relations Commission.

The Permanent Mission of Ireland to the United Nations Office at Geneva avails itself of this opportunity to renew to the Secretary General of the United Nations (High Commissioner for Human Rights) the assurances of its highest consideration.



Geneva, 08th May 2019

Joint Press Statement issued by Department of Justice and Equality; Department of Transport, Tourism and Sport; Department of Business, Enterprise and Innovation; Department of Agriculture, Food and the Marine; and the Workplace Relations Commission.

Agreement reached in mediation on the scheme for employment of non-EEA fishers in parts of the Irish sea-fishing fleet

Following recent mediation between a number of Government Departments and the International Transport Workers' Federation on the scheme for employment of non-EEA fishers (outside the European Economic area) in parts of the Irish sea-fishing fleet, a settlement agreement has now been reached and signed by all parties. This mediation was in the context of proceedings taken by the International Transport Workers' Federation against the relevant Government Departments in relation to the Scheme and a recent High Court judgment on injunctive relief, dated 7th December 2018. The High Court today (30th April 2019) struck out the case.

The relevant Government Departments involved in the Scheme are the Department of Justice and Equality; Department of Transport, Tourism and Sport; Department of Business, Enterprise and Innovation; Department of Agriculture, Food and the Marine; and the Workplace Relations Commission.

The main terms of the agreement are as follows:

- Every intended participant under the Scheme is to receive their contract of employment in their native language, as well as English. The contract will include clear wording regarding the fisher's entitlements to pay, working-hours, and rest periods. The letter of approval is also to be in the fisher's native language, as well as English, as appropriate.
- A link to a webpage explaining the fisher's rights as an employee and where the fisher can make complaints regarding any violation of these rights will be provided to participants in the Scheme in their letter of approval.
- As has previously been the case, the costs associated with applications under the Atypical Workers Scheme are not recoupable from the fisher's wages.
- No employment permission is granted to any non-EEA nationals to work in the State without a contract with a specific employer. Non-EEA fishers retain the right to transfer employment within the Scheme; any such transfer of employment can occur without the existing or previous employer's consent.
- Where the Department of Justice & Equality becomes aware that a fisher has left their employment, for any reason, before the end of their twelve month contract, a letter will issue to the non-EEA fisher requesting that they provide details of their new contract of employment under the Scheme to the Department of Justice & Equality within 28 days.
- EU Directive 2017/159 will be transposed into Irish law by the 15th of November, regulating maximum hours of work, minimum hours of rest, and manning requirements aboard commercial fishing vessels.
- The relevant bodies, i.e. the Workplace Relations Commission (WRC), the Marine Survey Office (MSO), and the Department of Justice and Equality, will liaise with each other on the enforcement of S.I. 709 of 2003 (relating to the hours of work and rest on board fishing vessels).
- The Oversight Committee, chaired by the Department of Agriculture, Food and the Marine, will meet on a two monthly basis for the first six months, starting in May, and quarterly thereafter, to monitor the Scheme and ensure that it is operating as intended.

Note for Editors:

The Scheme for the employment of non-EEA fishers in parts of the Irish commercial sea-fishing fleet was launched on 15th February 2016 by the then Ministers for Justice and Equality; Agriculture, Food and the Marine; and Business, Enterprise and Innovation.

The Scheme is an extension of the Atypical Working Scheme, administered by the Department of Justice & Equality (Irish Naturalisation & Immigration Service), and was introduced based on a series of recommendations made by the Government Task Force on Non-EEA workers in the Irish Fishing Fleet in December 2015. This Task Force was established following reports of alleged abuses of migrant workers on board Irish fishing vessels. It received presentations and submissions from a number of relevant stakeholders, including the Migrant Rights Centre Ireland and the International Transport Workers Federation.

The Scheme provided for the first time a structured and transparent framework for the employment of non-EEA workers within defined segments of the Irish fishing fleet. The Scheme sets down minimum terms and conditions of employment applicable to these workers which are in line with the general statutory terms and conditions applicable to workers more generally in the State. Ministers welcomed the Scheme as a solution to the risk of exploitation and to guarantee employment rights and protections to non-EEA fishers availing of the Scheme.

Detailed information on the Scheme is available on the Irish Naturalisation and Immigration Service (INIS) website, www.inis.gov.ie, or the Government's commercial sea-fishing network portal, www.fishingnet.ie.