



## **Template for application of the SME Test**

### **Employment Permits (Consolidation and Amendment) Bill**

## **Screening question**

**Q. To what extent is the proposed legislation relevant for SMEs?**

Not relevant  Relevant  Highly relevant

The following questions are relevant to consideration of the above question:

- Are SMEs within the scope of the legislative initiative?
- Does the initiative specifically target SMEs?
- Will SMEs be impacted directly or indirectly by the initiative?
- Are SME impacts likely to be more substantial than on other companies, for example, in terms of adverse effects?

If 'Relevant' or 'Highly Relevant', please proceed to complete Sections 1-5.

## **1. Identification of affected businesses**

**Q1a: Please identify the types of SMEs that will be directly affected by the proposed legislation.**

Micro (1-9 employees)

Small (10-49 employees)

Medium (50-249) employees

N/A



**Q1b: Please identify the types of SMEs that will be indirectly affected by proposed legislation (i.e. SMEs not in scope, but potentially affected indirectly, for instance through impacts on supply chain)**

Micro (1-9 employees)

Small (10-49 employees)

Medium (50-249) employees

N/A

**Q1c: Has an estimate been carried out of the numbers of micro, small and medium companies affected directly or indirectly by the legislation?**

Yes  No  N/A

**Q1d: Will the proposed legislation have a greater impact on SMEs in any particular economic sector?**

Yes  No

If Yes, please specify.

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**Q1e: Will the proposed legislation have a greater impact on SMEs in any particular region?**

Yes  No

If Yes, please specify.

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## 2. Consultation

**2.1 What consultation will take or has taken place to capture input from the SME community, particularly those potentially most impacted by this initiative?**

Public consultation

Other (e.g. stakeholder meetings, targeted consultation)

N/A

If Other, please provide details:

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### 3. Assessment of the impacts on SMEs

**Q3a What are the expected positive impacts of the legislation on SMEs (e.g. improved regulatory framework or working conditions, cost savings)?**

Improved access to the employment permits framework for employers of all sizes, in all sectors of the economy wishing to fill labour and skills gaps with non-EEA workers

**Q3b Will the proposed legislation result in any of the following impacts for SMEs?**

- Administrative costs, including the, including one-off and recurring administrative cost
- Other compliance costs, including the obligation to pay fees or duties; and costs created by the obligation to adapt the nature of the product/service and/or production/service delivery process to meet economic, social or environmental standards.
- Other impacts, including on business entry and exit; competition and competitiveness, whether potential impact of any proposed exemption thresholds on business growth; impacts on SME population composition and location.

Yes  No

**Q3c If yes, please describe impacts, including whether any impacts will affect particular cohorts of SMEs differently, for example based on size (micro, small and medium), age of the business (e.g. start-up costs for new companies), economic sector and geographic location.**

Obligation to provide information on the company for the purposes of an application as an employer; obligation on employers of all sizes and in all sectors to pay a prescribed fee for applications; the new Bill and corresponding regulations aim to support and encourage entrepreneurship and innovation by ensuring businesses are not stifled by lack of skills or labour. These obligations are not new and existed under the legislation being replaced by this new more efficient replacement employment permits legislation



## 4. Assessment of alternative options and mitigating measures

**4a** If the analysis above has shown that the draft legislation will result in impacts on SMEs, has there been consideration of any measures to mitigate against these impacts, such as less onerous reporting requirements, exemptions for certain cohorts of SME, simplified language etc? (See list of examples of potential mitigating measures on page 5 above)

Yes  No  N/A

Please provide details.

- Permanent move to ePermits
- Retaining the option to refund fees for applications refused
- Following the public consultation in advance of drafting of the new legislation, measures are being introduced based on recommendations made, to include for example widening access to waivers to sole traders where an employer has to ensure more than 50% of current staff are Irish/EEA nationals

## 5. Post-completion of SME Test

**5a** Do you intend to summarise the outcome of the SME Test, including identified impacts and provision for mitigating measures, under the Impacts section of any Memorandum for Government proposing the legislation?

Yes  No  N/A

**5b** Do you intend to make this form available publicly on your Department's website?

Yes  No