



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Rannan na nOspideil Ghearmhíochaine
Aonad 4A – Áras Dargan
An Ceantar Theas
An Bothar Mileata
Cill Mhaighneann
BÁC 8

Acute Hospitals Division
Health Service Executive
Unit 4A - The Dargan Building
Heuston South Quarter
Military Road
Kilmainham
Dublin 8.

Deputy Tony McLoughlin TD
Dáil Éireann
Leinster House
Dublin 2

14th June 2019

PQ 20739/19 * To ask the Minister for Health the way in which agency staff nurses in the HSE hospitals are encompassed into the overall governance of the nursing wards; if it is similar to HSE nurses; and if he will make a statement on the matter.

Dear Deputy McLoughlin

The Health Service Executive has been requested to reply directly to you in the context of the above Parliamentary Question, which you submitted to the Minister for Health for response. I wish to advise you that agency staff are employed within the HSE in both community and acute services under a Service Level Agreement between the HSE and the Agencies. This agreement provides as follows:-

“9.4 The Agency will remain responsible for all personnel management and employment issues relating to each and any Agency Nurse engaged by the Agency for the purposes of this Agreement, provided always that the Contracting Authority shall supervise Agency Staff contracted to the Contracting Authority while working on Contracting Authority premises”.

Therefore, while agency staff remain employees of their agency and are hired by ward or service management through a contract for services, in practice, for the duration of their working time with the organisation, they fall under the local governance and management arrangements as pertains to the specific role they are assigned to. This approach is in line with the Protection of Employees (Temporary Agency Work) Act 2012, where temporary agency workers covered by the Act have the right to the same basic employment conditions as if they had been directly employed by the hirer under a contract of employment.

I trust this is of assistance.

Yours sincerely,

Carol Ivory
General Manager, Acute Operations