



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

Oifig an Phríomhoifigigh Airgeadais  
Feidhmeannacht na  
Seirbhíse Sláinte  
Seomra 125, Ospidéal  
Dr. Steevens  
BÁC 8

Office of the Chief Financial Officer  
Health Service Executive  
Room 125, Dr Steevens  
Hospital  
Dublin 8

22<sup>nd</sup> October 2019

Deputy Stephen Donnelly TD,  
Dáil Éireann,  
Leinster House,  
Kildare Street,  
Dublin 2.

**RE: PQ 41027 19:** *To ask the Minister for Health the estimated amount it would cost for pay restoration for workers employed by section 39 organisations; and if he will make a statement on the matter.*

Dear Deputy Donnelly,

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. Your PQ above has been referred to me for response.

The governance context in which the HSE engages with Section 39 agencies is distinctly different to that which applies in the case of Section 38 agencies. (See Appendix 1). For example the employees of Section 39 Agencies are not public servants, are not members of public sector pension schemes and, unlike their Section 38 counterparts, are not directly bound by the Department of Health's Consolidated Salary Scales approved for public servants.

Section 39 Pay Restoration is still subject to talks being held in the Workplace Relations Commission and as such the HSE is unable to provide any costings on same until an agreement is reached in the WRC and full details of the agreed restoration process are provided. In the event that the WRC rules that funds are due to the Section 39 organisations, the HSE is the vehicle through which such funds will be paid to Section 39 organisations.

If you have any queries, please do not hesitate to contact me at [sarah.anderson1@hse.ie](mailto:sarah.anderson1@hse.ie) or tel: 045 882559.

Yours sincerely

*Sarah Anderson*

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## **Appendix 1 – Governance of Section 39 Agencies**

*Under the Health Act 2004, Section 39 outlines that assistance to certain bodies may be given; the Act states “the HSE may subject to any direction given by the Minister under Section 10 and on such terms and conditions as it sees fit to impose, give assistance to any person or body that provides or proposes to provide a service similar or ancillary to a service that the HSE may provide.” This is the mechanism through which funding is provided to Section 39 agencies.*