



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

31<sup>st</sup> December 2020

Deputy Alan Kelly TD,  
Dáil Éireann,  
Leinster House,  
Kildare Street,  
Dublin 2.

**Re PQ 43455 20:** *To ask the Minister for Health if he will provide an itemised list of each section 39 organisation that to date has not yet had pay restored since the agreement at the WRC in October 2018; if he will provide a list of those that to date have had pay restored; the projected cost of resolving the outstanding bodies; and if he will make a statement on the matter.*

Dear Deputy Kelly,

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.

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.

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. 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.

The HSE’s role is that of the provider of funding to the relevant S39 agencies and it is the responsibility of each agency to ensure that salary amendments are applied to employee’s remuneration where the agency has deemed it appropriate.

There is an on-going process in respect of the Section 39 organisations that is governed by a Workplace Relations Commission agreement and is proceeding with the assistance of the WRC. The estimated cost of pay restoration for Section 39 health workers from 2019 is €67.881m. The first phase of 50 agencies (Pilot group) has been partially restored, with full restoration due on 1<sup>st</sup> October 2021. In terms of those agencies yet to have restoration applied, there is now an agreed process in respect of those organisations, however this is subject to and will be determined by input by, and conditions and timelines being met by, the Section

39 agencies. Restoration for the second phase of agencies (approx. 250) is to commence in January 2021 with full restoration expected to be completed in 2023 subject to conditions being met.

If you have any queries, please do not hesitate to contact me at [sarah.anderson1@hse.ie](mailto:sarah.anderson1@hse.ie) or tel: 087 9423319.

Yours sincerely



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Sarah Anderson  
General Manager Corporate Finance  
National Finance Division, HSE  
Email: [sarah.anderson1@hse.ie](mailto:sarah.anderson1@hse.ie)  
Tel: 087 9423319