



Oifig an Stiúirthóra Náisiúnta
Géaroibríochtaí

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16th August 2022

Deputy David Cullinane
Dáil Éireann
Leinster House
Dublin 2.

PQ 35320/22 To ask the Minister for Health if any inaccuracies in reporting of hours worked by NCHDs in compliance with the EWTD Agreement was found by the EWTD verification group, broken down by month and by hospital and by year; and if he will make a statement on the matter

PQ 35323/22 To ask the Minister for Health the number of acute hospitals that have failed to implement rosters for NCHDs in line with the European Working Time Directive in each of the years 2018 to 2021 and to date, broken down by year and by hospital; and if he will make a statement on the matter

PQ 35324/22 To ask the Minister for Health if any hospital has been fined for breaching the European Working Time Directive in respect of NCHDs; if so, the year and the hospital; and if he will make a statement on the matter.

Dear Deputy Cullinane,

The Health Service Executive has been requested to reply directly to you in the context of the above Parliamentary Questions, which you submitted to the Minister for Health for response.

The EWTD Verification process involved direct engagement with individual Hospitals involving representatives from the HSE, Department of Health, the Irish Medical Organisation (IMO), local Hospital management and local staff representatives. Visits to specific Hospitals were targeted at those sites that had consistent non-compliance with 24/48 hour targets and where staff representatives had identified specific concerns such as inaccurate reporting of hours. The verification group sought to ensure that there were systems and processes in place to capture hours worked and to ensure that there were local mechanisms in place to engage regarding any issues highlighted.

The Deputy may be aware that during the COVID 19 Pandemic, under Section 5 of the Organisation of Working Time Act 1997 (which transposed EWTD into Irish law), the Employer is relieved from complying with certain provisions in certain circumstances: "Without prejudice to *section 6* , an employer shall not be obliged to comply with *section 11* , *12* , *13* , *16* or *17* where due to exceptional circumstances or an emergency (including an accident or the imminent risk of an accident), the consequences of which could not have been



avoided despite the exercise of all due care, or otherwise to the occurrence of unusual and unforeseeable circumstances beyond the employer's control, it would not be practicable for the employer to comply with the section concerned."

Below is a table containing the list of hospitals that received fines in December 2019 for breaching the European Working Time Directive in respect of NCHDs. Records related to previous years are being searched to elicit further data and will be forwarded to the Deputy.

Period	Hospital Group	Hospital
Jan – Sept 2019	IEHG	Mater MUH
		MRH Mullingar
		Our Lady's Hospital Navan
		Royal Victoria Eye and Ear
		National Maternity Hospital
Jan – Sept 2019	RCSI HG	Our Lady of Lourdes Hospital
		Rotunda Hospital
Jan – Sept 2019	SAOLTA	Galway University Hospital
		Portiuncula University Hospital
		Roscommon University Hospital
		Mayo University Hospital
Jan – Sept 2019	SSWHG	Cork University Hospital
		UH Waterford
		Bantry Hospital
Jan – Sept 2019	ULHG	UH Limerick (including UMH Limerick, Croom Orthopaedic)
		St. John's Hospital
Jan – Sept 2019	CHI	CHI at Tallaght
		CHI at Temple Street
		CHI at Crumlin
Jan – Sept 2019	DMHG	St. James's
		MRH Portlaoise
		MRH Tullamore



I trust this is of assistance.

Yours sincerely,

John Smith
Assistant National Director
Acute Operations