



**Stiúrtóir Náisiúnta  
Acmhainní Daonna**  
Feidhmeannacht na Seirbhísí,  
Sláinte Ospidéal Dr. Steevens',  
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David Cullinane T.D.

28th June, 2022

**PQ 29068/22 To ask the Minister for Health the number of times that the HSE has been in breach of the European Working Time Directive from 2020 until the end of May 2022; and if he will make a statement on the matter. -David Cullinane**

Dear Deputy,

I refer to your recent parliamentary question which was sent to the HSE for response.

Please find attached the level of NCHD European Working Time Directive compliance, displayed in both tabular and graph format, for 2020, 2021 and 2022 (available data to date).

During the COVID 19 Pandemic, under Section 5 of the Organisation of Working Time Act 1997 (which transposed EWTD into Irish law), the Employer was 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."

These sections relate to rest, working hours and provision of information in relation to working time.

The full text of the act may be found here:

<http://www.irishstatutebook.ie/eli/1997/act/20/enacted/en/pdf>

Yours sincerely,

**Marie O'Sullivan  
National HR**