



Oifig an Stiúrthóra Náisiúnta, Acmhainní Daonna

Feidhmeannacht na Seirbhísí Sláinte

Ospidéal Dr. Steevens'

Baile Átha Cliath 8

Office of the National Director of Human Resources

Health Service Executive

Dr. Steevens' Hospital

Dublin 8

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David Cullinane T.D.

24th March, 2022

PQ 12926/22 To ask the Minister for Health the reason that agency staff are not permitted flexitime and other practical workplace supports which are available to permanent HSE staff; and if he will make a statement on the matter. - David Cullinane

Dear Deputy,

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

The Protection of Employees (Temporary Agency Work) Act, 2012 provides that agency workers are entitled to equal treatment in relation to their basic working and employment conditions as if they were directly recruited by the Hirer to the same or similar job.

The 2012 Act defines basic working and employment conditions as:

- (a) Basic pay
- (b) Working time
- (c) Rest periods
- (d) Rest breaks during the working day
- (e) Night work
- (f) Overtime
- (g) Annual leave
- (h) Public holidays
- (i) Access to collective facilities and amenities (e.g. canteen, childcare and transport facilities, etc.)
- (j) Access to information on vacancies in the hirer company

The 2012 Act does not cover flexitime. Flexitime arrangements do not apply to all permanent HSE employees. Flexitime arrangements within the HSE are determined locally and are subject to the nature of the work and service requirements.

Yours sincerely,

A handwritten signature in black ink that reads "Marie O'Sullivan".

Marie O'Sullivan
National HR