



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Oifig an Stiúirthóra Náisiúnta, Acmhainní Daonna
Feidhmeannacht na Seirbhíse Sláinte
Ospidéal Dr. Steevens'
Baile Átha Cliath 8

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Dublin North East/Dublin Mid-Leinster/South/West

HSE HR Circular 004/2013

28th February 2013

**To: Each Member of Management Team HSE
Each Regional Director of Operations
Each Assistant National Director, HSE
Each Employee Relations Manager, HR, HSE**

cc: Each HR Manager Voluntary Agency/ Hospital

Re: Managing offers of employment

1. Legislative requirements.

Employment law requires that each employee have a written statement of terms and conditions of employment.

Within the public health service, this legal requirement is addressed by the issue of a contract to prospective employees.

Taking this into account, all HSE and HSE-funded employers are required to ensure that persons who have been offered employment accept, in writing, by way of signature, the contract in the form offered prior to any candidate commencing any form of duty in a HSE or HSE-funded agency or otherwise on behalf of the employer.

This is a key means of avoiding liabilities accruing to the employer from implied contracts or from employment arrangements not sanctioned by official circular.

2. HSE requirement.

As and from the effective date of this Circular, no prospective employee can be permitted to take up his or her role and/or to commence working for the HSE or HSE funded employer until the candidate has signed a written contract of employment on the terms issued by the HSE/HSE funded employer.

3. Filling a post where the contract is not accepted within the set period.

Persons who do not accept an offer of employment on the terms of the contract provided to them within the period set by the employer (this period must not exceed 3 weeks) will be advised that they are deemed to have rejected the offer of contract. In such circumstances the employer should proceed to fill the post by other means, including recourse to any panel formed as part of the recruitment process or by initiating a new recruitment process.

To ensure this requirement is clear, any offer letter or cover letter accompanying a contract of employment must include a clear statement to the effect of the following:

*If you intend accepting the offer of employment contained in this letter, please sign and return [one/two] un-amended cop[y/ies] of the enclosed contract of employment. The signed contract(s) must be returned no later than 3 weeks from the date of this letter. **Please note that your appointment to the new role is conditional upon you returning the signed contract.** If you do not return the signed contract by that date this offer of employment will automatically lapse and the [HSE/employer] will source another candidate for the role. You are not permitted to start in the new role until a signed, un-amended contract has been returned to the HSE.*

4. Managing the offer where a person has commenced duty.

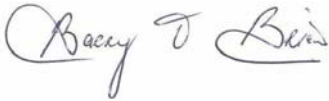
While it is anticipated that these circumstances will not arise after the date of this Circular Letter, if exceptional circumstances arise or already exist where a person has commenced work with the HSE/a HSE funded employer within the 6 months prior to the issue of this circular (e.g. since 1st September 2012) and he or she does not have a signed written contract of employment, the employer must immediately advise the person, in writing, that:

- a signed contract in the form offered by the HSE/HSE funded employer must be returned within a period of two weeks from the date of notification, failing which the employment of the person concerned will be terminated and he/she will be removed from duty and payroll with immediate effect but he/she will be offered continued employment if he/she accepts the contract on the terms on offer by the HSE/HSE funded employer;
- the person will, as of the expiry of the two week time limit, unless they have accepted the HSE/HSE funded employer contract on offer, forfeit all employment benefits such as any right to indemnification;
- if the contract offered is not accepted, the person will be deemed to have rejected the offer of employment and the contractual terms available and the HSE/HSE funded employer will proceed to fill the post by other means, including recourse to any panel formed as part of the recruitment process or by initiating a new recruitment process.

The steps necessary to implement the above requirements must be taken with immediate effect.

Queries in relation to any aspect of this Circular Letter should be directed to your Regional HR Department.

Yours sincerely



Barry O'Brien
National Director of Human Resources