

9th February 2018

Liam Berney – ICTU

Teresa Cody – Department of Health

Rosarii Mannion – HSE CERS

Stephen Mulvany – HSE

Section 39 Funded Organisations – pay restoration

I refer to the above issue which was the subject of a meeting involving the above participants at WRC on 1st February last. It was confirmed that although matters involving individual Section 39 organisations have been raised and discussed at several different fora, the precise and exact details pertaining to these organisations and their pay structures varies and differs from organisation to organisation. Consequently, some pay restoration claims remain unresolved in several establishments.

Recent correspondence from the Department of Health to the HSE in respect of this matter instructed the HSE to engage with Section 39 Organisations to establish the facts in respect of the above.

The instruction from the Department of Health also outlined the need for a much deeper understanding of the implementation of pay adjustments and the funding position in these grant-aided organisations. The Department expects the HSE to engage with Section 39 organisations with sizable staffing and in receipt of significant public funding to address the issues in dispute by means of an analysis and assessment exercise.

It was agreed by all parties present at the WRC that the overall aim of this exercise is to assist in the development of a plan to address issues in dispute and to create possible solutions.

In that regard it has been agreed by the Department, the HSE and the Trade Unions that the following organisations should form part of the priority assessment exercise (see list attached).

The analysis by the HSE will establish with supporting evidence the following information:

1. Whether, when and to what extent reductions in pay rates were applied during the crisis in each relevant organisation;
2. Whether, when and to what extent restoration of pay reductions has happened;
3. Identify the financial implications for each organisation, taking account of all sources of funding, associated with addressing the issues identified and propose an appropriate plan for phased resolution in each case.

It has been agreed, that the HSE should commence the data gathering exercise immediately commencing with the organisations in the attached list, some of which have been subject to discussions at the WRC and Labour Court recommendations. The data gathering exercise should be completed as early as possible with an interim report by the end of March 2018.

This report will be based on the completion by each of the listed organisations of a questionnaire and initial high level data gathering template. These will be issued within the next two weeks to be returned on a largely "self- assessment" basis. Based on this information, the end of March report will indicate answers to the key questions at 1,2 & 3 above in respect of each of the listed organisations. It will also inform the scope and nature of the follow-on work for the HSE to complete a data-validation exercise around the data provided by the organisations. This will be through appropriate audit, or similar, in order to fully complete the instruction from the DOH. This two-stage approach is necessary to accelerate matters to meet the requirements of all stakeholders. The HSE will engage external support if necessary given the urgency and complexity of the issues.

Staff interests will be advised on developments in relation to the process. On completion of the analysis, the HSE will present the results to the Department of Health for assessment and the parties may utilise the services of the WRC in respect of implementation of the outcomes of this exercise.

Where validation issues arise in terms of the relevant material and supporting evidence collected and a supplementary exploration of the data gathered is required, a specialist third party will be given access to the material to audit and corroborate the details. Access arrangements will comply with data protection legislation requirements. Where the parties cannot agree a mutually acceptable third party the WRC will nominate someone. From the date any specialist third party is appointed, the HSE will keep them briefed, including ongoing progress towards the end of March report.

The WRC will assist parties with any implementation issues and in that regard the appointment of an oversight group to progress matters may prove helpful. Ideally such an oversight group will be made up of relevant representative parties to be chaired by an WRC official.

It has been agreed and is clearly identified in the Department of Health letter to the HSE that where organisations are shown to have the financial capacity to make pay restorations themselves without adversely impacting service provision, they should proceed to do so as soon as possible, and where feasible in this financial year.

In light of the above, the WRC requests that all industrial action due to take place on 14th February be suspended.

Yours sincerely



Anna Perry
Director
Conciliation Services

Priority Section 39 Organisations

Enable Ireland
Focus
Cross Care
Child Vision
Ability West
COPE
CIDP
Western Care Association
Dublin West Home Helps
St. Cronans
St Lukes Cork
Care Doc
Shannon Doc
Simon Western Care
County Wexford Community Workshops Wexford Community Care
Irish Wheelchair Association
Cheshire Ireland
SOS
Rehab Group
St. Hilda's Services
Ard Aoibhinn Services
Wicklow Community and Family Services
Cork Association Autism
Autism West
Irish Society for Autism
North West Parents and Friends
Kerry Parents and Friends
Rathmore Social Action Group
Killarney Community Services
WIDA
St. Joseph's Foundation
St. Aidan's
Alzheimers Society of Ireland
Simon Community
Milford Care Centre
Rehab Care
St. Gabriel's
St. Christophers
Cheeverstown House
Cobh Community Nursing Unit
St Joseph's Charleville
St. Francis Hospice Blanchardstown
Marymount Hospital and Hospice
Voluntary Home Care Organisations
☒ Crumlin
☒ Tallaght
☒ Ballymun
☒ Northside
☒ North Inner City
☒ Blanchardstown
Ann Sullivan Centre

St Lukes Home, Cork