



**Oifig an Stiúrthóir Cúnta Náisiúnta,**  
Foireann Míchumais Náisiúnta,  
An Chéad Urlár - Oifigí 13, 14, 15,  
Áras Phlásóg na Rós, Coimpléasc Gnó na hOllscoile,  
Páirc Náisiúnta Teicneolaíochta,  
Caladh an Treoigh,  
Luimneach.

**Office of the Assistant National Director,**  
National Disability Team,  
First Floor- Offices 13, 14, 15,  
Roselawn House, University Business Complex,  
National Technology Park,  
Castletroy,  
Limerick.

21<sup>st</sup> May 2024

Deputy Duncan Smith,  
Dail Eireann,  
Leinster House,  
Kildare Street,  
Dublin 2.  
E-mail: [duncan.smith@oireachtas.ie](mailto:duncan.smith@oireachtas.ie)

Dear Deputy Smith,

The Health Service Executive has been requested to reply directly to you in the context of the following parliamentary question, which was submitted to this department for response.

**PQ: 19505/24**

*To ask the Minister for Health the nature of and current situation with regard to the European Commission's announcement of 16 October 2014 that it was sending Ireland a letter of formal notice (INFR(2014)4131) in respect of the working time of social care workers under the responsibility of the Health Service Executive; and if he will make a statement on the matter.*

**HSE Response**

The HSE is progressing towards national compliance with the European Working Time Directive (EWTD) as it relates to the Social Care model of care in the Irish Health Service. The requirement arises from dialogue between Ireland and the European Commission regarding Infringement No. 2014/4131.

Service reconfiguration over a period of years is key to full implementation of the EWTD for Social Care staff. The principal mechanism to achieving EWTD compliance is the restructuring of rosters and the recruitment of additional staff.

In this context, the HSE initially focused on driving compliance with the average 48 hour working week and the provision of weekly / fortnightly rest periods. A secondary priority was the provision of daily rest periods / equivalent compensatory rest prior to the next rostered period of work. The current HSE priority is to ensure compliance with the requirement for daily breaks.

2020 - 2022 were particularly difficult years globally for health services with service provision, ways of working and staffing levels all impacted by the COVID-19 pandemic. The challenges presenting in those years were compounded in 2022 with recruitment challenges and a continued requirement to manage COVID-19 across our services. However,



to note is the continued improvement in terms of compliance, which can be explained in part by the flexibility of staff to redeploy to ensure continuity of service and appropriate levels of staffing which supported our EWTD compliance.

With regard to Social Care staff, Ireland has progressed towards EWTD compliance as follows;

At the end of December 2022:

- the % Compliance with a maximum 24-hour shift is 83%
- the % compliance with an average 48 hour working week is 91%.
- the % Compliance with 11-hour daily rest period of equivalent compensatory rest is 88%
- the % Compliance with a 35-hour weekly rest period/59-hour fortnightly rest period or equivalent compensatory rest is 89%.

A range of issues influence the extent to which Ireland can rapidly progress EWTD compliance for Social Care staff, these include:


- governance of services
- national policy to develop small, community based residential units / services
- the widespread dispersion of the staff associated with community-based living
- different, changing and more complex client needs
- Evolving models of care which require varying levels of staffing over a 24/7 period.

In summary, progress has been made on improving compliance across a number of the EWTD measures since 2017 and while the global pandemic has impacted our services, it has not had an adverse effect on our compliance rates.

The HSE will continue to engage with service providers to ensure that this progress is maintained and built upon.

However, achieving greater levels of compliance may require additional staffing levels as other options are exhausted. The current global recruitment crisis is impacting the health services sector's ability to retain, attract and recruit suitably qualified staff in sufficient numbers to meet need. This is impacting on compliance rates.

Yours Sincerely,



**Bernard O'Regan**  
**Assistant National Director**  
**National Disability Team**

