

<b>Lead topic:</b> Public Service Pay and Industrial Relations	<b>Sub-topic:</b> Section 39 Bodies	<b>Contact:</b> Tom Clarke
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## FAST FACTS

- Staff in Section 39 bodies in the Health sector are not HSE employees; are not public servants; are not encompassed by the Public Service Pay Agreements and are not subject to the FEMPI legislation.
- Restoration of the pay reductions under the FEMPI legislation/Public Service Stability Agreements does not apply to employees of Section 39 agencies.
- It is a matter for Section 39 organisations to negotiate salaries with their staff as part of their employment relationship and within the overall funding available for the delivery of agreed services.

## Q&A'S

### 1. What are Section 39 agencies?

Section 39 of the Health Act 2004 provides that the HSE may “give assistance to any person or body that provides or proposes to provide a service similar or ancillary to a service that the Executive [HSE] may provide”. Such assistance may range from contributing to the expenses incurred by that person or body to allowing them use HSE premises. Financial assistance is provided in the form of a grant and the value of such grants can vary from very high to very low.

### 2. What is the relationship between S39 agencies and the HSE?

Where the HSE provides a grant to a voluntary provider under Section 39, the HSE puts in place a Service Level Agreement with the provider. This sets out the level of service to be provided for the grant which they receive.

### 3. What is the HSE role in relation to salaries for staff of S39 agencies?

Individuals employed by these section 39 organisations are not HSE employees. The HSE has no role in determining the salaries or other terms and conditions applying to these staff.