

IMO NCHD Agreement – Your new entitlements

4th January 2023

Firstly, we would like to wish all our NCHD members a very Happy New Year. We realise the current challenges you are facing around the country and are here to provide advice and support to you.

With the recent NCHD agreement having been carried by our members, we wanted to provide this guide on the key parts of this. This agreement comes into force from Monday, 1st January.

The key parts of the agreement which will come into force from Monday are as follows:

- New rostering rules to ensure safe rostering.
- Measures to deal with emergency tax.
- Change of the reference period for overtime.
- Increase and broadening of relocation expenses.
- Increase and broadening of TSS.
- Entitlements around leave for mandatory exams and minimum guaranteed entitlement for each 6 months.
- Change in reference period for compliance with maximum working hours from 6 months to 3 months.

The agreement also provides for a more effective monitoring system for working hours, for a phased reduction in 24 hours shifts and for supports to address the costs of double renting/mortgage and renting.

We want to ensure that this agreement is complied with, particularly around the issue of safe rostering. We will therefore be running regular surveys to see what is happening in each location. We would ask you to complete these and also where there are issues to email nchds@imo.ie.

Members of our Member Advisory Team will also be attending hospitals and running clinics to deal with queries and identify issues.

New rostering rules to ensure safe rostering

This agreement provides for a number of rostering rules and entitlements to protect NCHDs. We do appreciate there will be a transition period as these arrangements bed in.

1. Consecutive working days

Under the NCHD contract you are generally due to be rostered 5 days out of 7 but we know NCHDs are frequently rostered or required to work 16 or more days in a row.

Under this agreement where an NCHD is rostered to work 10 consecutive days they are entitled to a day of rest, and where required to work 11 consecutive days they are entitled to 2 such days.

These can be your regular rostered days off and are there to break up the consecutive days. Where you are not given this day or these days immediately after the 10- or 11-day period then they become compensatory rest. You must be provided with this within 4 weeks, and it is over and above your normal rest entitlement for any subsequent period. Failing which you are entitled to be paid for this. This can be claimed using the standard timesheet.

2. Weekends

Additionally, and to ensure there are breaks in maximum consecutive days, you must not be rostered for consecutive weekends – this includes off site call.

3. Weekly Shifts

The agreement provides for limitations on the number of shifts in a 2-week (14 day) period to assist in compliance with the Organisation of Working Time Act.

These are as follows:

- No more than 4 x 13 hour working days;
- No more than 2 x 24 hour shifts;
- A 3rd 24 shift may be worked with the agreement of the NCHD and shall attract normal payment in line with the contract and shall also attract an extra compensatory rest day as outlined at 1 above.
- The hours above combined should not breach 96 hours in a 14 day period – so for example you cannot have 4 x 13 hour shifts and 2 x 24 hour shifts.
- For 24 hour shifts, NCHDs must be rostered off for the 11 hours before and after said shift.

4. Changeover

For future changeovers all NCHDs who are moving site, are entitled to the full 24 hours off before their new rotation and every effort shall be made to ensure the full 48 hours are off.

5. Swaps and Rostering

Where NCHDs swap into rosters which would breach the consecutive days etc. then they will not be entitled to Rest Days. Where you are being directed by management to swap into a shift by HR or your consultant, we would suggest that you ask to them to confirm this in writing and then you should benefit in line with this agreement.

We know many NCHDs do the rosters themselves and we would encourage them to both contact us and to ensure local HR support them as well.

There may need to be flexibility to some of these rules dependent on location specific issues, but these should be the exception and only done through local engagement with the impacted NCHDs.

Measures to deal with emergency tax

Under the agreement all HSE sites are to move to a single payroll system from July 2023, with Voluntary sites due to move to one system by the end of 2023. It is hoped this should eliminate the emergency tax issue.

In the interim a temporary payment is being made to NCHDs moving payroll system at changeover. This is a gross payment of €850 (which will be subject to tax) which should cover any loss from emergency tax. This payment will be deducted from your gross salary in the following pay run when the emergency tax payment should be address.

Change of the reference period for overtime



For calculation of overtime the current reference period is hours over 156 (so a 4-week period).

This has been reduced to a 78-hour period, i.e., 2 weeks. This should make it easier to identify if you have not been paid correctly. This may not impact how frequently you will be paid overtime, but how it is calculated.

Increase and broadening of relocation expenses

For NCHDS on training schemes, the previous entitlement was €500, which could only be claimed once per annum.

With effect from Monday (which covers this changeover) you can claim up to €1,000. This is the annual limit, but you can claim twice per year up to this limit. So for example you could claim €300 in January and €700 in July. As expenses these payments are not subject to tax or other deductions.

The list of claimable items has been expanded to cover the following:

- Legal and related fees from relocating
- Furniture removal, storage, insurance for transit and cleaning
- Travel expenses (milage/train/bus) on moving, including travel expenses related to finding accommodation – milage rates range from €0.21 to €0.91 dependent on distance and engine size
- Subsistence for looking for accommodation for up to 6 nights (effectively your temporary accommodation) – subsistence rate is €167/night
- Above in line with Revenue rules so need to be vouched, with exception of subsistence which can just be claimed on HSE form

As noted above the HSE and Department of Health have committed to looking at measures to address NCHDs who face double renting or a mortgage and rent.

Increase and broadening of TSS

The TSS funding has increased with effect from Monday.

The new funding is as follows:

Grade	Current	2023
Intern	€750	€1250
SHO/Reg	€1250	€1750
SPR/SR/GP Reg	€2000	€2500

This now covers the following:

- a contribution to or the cost of a laptop or tablet up to a maximum of €1,000 from your TSS fund – will be subject to benefit in kind
- Professional memberships
- Online subscriptions

- Microsoft office
- Relevant software licences

It will cover laptops or tablets bought on or after 9th January and should be claimable from the end of February.

Entitlements around leave for mandatory exams and minimum guaranteed entitlement for each 6 months

The NCHD contract provides for up to 18 days study leave per 6 months, but we know many NCHDs had difficulty accessing leave for exams and course. The following will now apply

- For Gateway/Mandatory exams – NCHDs are entitled to 24 hours of exam + 1 week within 2 weeks of exam (or within 3 weeks in exceptional circumstances). This is subject to applying for the leave within 6 weeks.
- To address the issue of NCHDs being asked to undertake mandatory courses in their own time, employers will roster study leave for completion of mandatory courses/training – this training to be completed within 2 months of July changeover
- All NCHDs will be entitled to minimum of 10 days study leave per 6 months, while still entitled to maximum of 18 days.

To help facilitate the rostering obligations, NCHDs are required to **apply** for 8 days of leave within the 1st month of the rotation. This does not mean you have to take it within 1st month.

Change in reference period for compliance with maximum working hours from 6 months to 3 months

The 48-hour average maximum working week is a legal obligation on the HSE. The previous reference period for compliance was 6 months, which meant that NCHDs had frequently left a site in the period. We therefore have agreed a reduction in this to 3 months.

A new monitoring system is to be put in place, and as noted above we will be issuing surveys to sites asking for feedback to get an accurate picture of what's happening.

The new fining system to be put in place will mean the fines should go to benefit NCHDs in the impacted site.

Again, if you are working shifts over and above 48 hours per week on a regular basis please email nchds@imo.ie.

We would like to thank you for your continued support.

This agreement is only a step forward, and the agreeing of a new NCHD contract which will protect NCHDs and ensure that the HSE is an attractive employer for NCHDs is key.