

Frequently asked questions and answers

How did we end up negotiating a new award for Hospital Scientists and Technical Officers?

From late 2019, the HSU and NSW Health Pathology were locked in battle over the correct entitlements for Senior Hospital Scientists across the state.

That battle ended with NSW Health Pathology reclassifying and back paying Senior Hospital Scientists across the state millions of dollars in unpaid wages. The reason for the underpayments was NSW Health Pathology's incorrect application of the award and misclassification of Senior Hospital Scientists.

As a last effort to save something from their loss, the Ministry of Health (on behalf of NSW Health Pathology) applied to the Industrial Relations Commission of NSW to vary the Hospital Scientist award so that their underpayments would become the new normal.

Members of the HSU, with the assistance of the HSU's Industrial and Organising teams, strongly pushed back in litigation. Together, we engaged an external team of lawyers and a barrister, filed many witness statements and 1000s of pages of documents, and produced a compelling argument that the Ministry's application should be rejected.

Throughout the litigation the HSU attempted to engaged with the Ministry and NSW Health Pathology in negotiations without success. Only now, after seeing the comprehensive case against their application, has the Ministry and NSW Health Pathology come back to the table to negotiate.

In December 2022, the parties agreed on a structured negotiation process and have been working within that structure since.

More recently, NSWHP and the Ministry of Health have indicated their application to vary the award will be withdrawn from the Commission and be abandoned.

Who does this impact?

The award negotiations impact (at least):

1. Hospital Scientists (including seniors and principals) working in the NSW public health system.
2. Technical Officers working in pathology laboratories in the NSW public health system.
3. Any of those employees in 1. and 2. employed by the NSW Government working within NSW Health Pathology (including FASS), Sydney Children's Hospital, and the Local Health Districts (or any other NSW Health entity).
4. Hospital Scientists and Technical Officers employed by Schedule 3 Affiliated Health Organisations (like St Vincent's or Calvary Mater Newcastle) because the NSW Health awards provide the basis for their future enterprise agreement negotiations.

Who is involved in the negotiation process?

The negotiation involves a number of representatives from the HSU, the Ministry and NSWHP.

From the HSU there are between two and four member representatives at each meeting (active members from the Hospital Scientist and Technical Officer Industrial Committees) and several members of the HSU's Industrial Team (usually Jeremy Lappin, Blake Roberts and Edmund Fry).

Ministry representatives usually include members of their Industrial Relations team.

NSWHP representatives usually include the Chief Executive, the Director of Scientific and Technical Strategy, and senior members of the People and Culture team.

John Murphy, a former Commissioner of the NSWIRC with extensive experience with the Hospital Scientist Award and NSW industrial relations system, has been engaged to assist in negotiations. So far, that has involved assisting with setting up the process and directing the topics for discussion.

How long will this take?

It is difficult to estimate how long this process will take. That will depend on the time and energy available from both parties, the willingness of the parties to negotiate in good faith, and the ongoing existence of the wages cap.

The HSU hopes that the process is substantially completed by the end of 2023, but that is an optimistic goal. It may be that the process runs well into 2024.

The last time a similar process occurred for these awards was decades ago. The results of these negotiations are likely to be similarly in place for decades to come. It is essential that we get this right, so we do not want to rush the process.

What stage are we at?

We're at the early stages of reforming the awards.

We're currently creating and discussing ideas, identifying issues, and trying out different things.

As we get closer to more concrete proposals, the decision-making process will be handed over to members to finalise any proposals we make.

How do I get involved and stay up to date?

The best way to get involved in the process is by joining the Hospital Scientist or Technical Officer Industrial Committees.

The committees meet on a monthly basis to discuss and vote on issues faced by Hospital Scientist or Technical Officer, including the award negotiations.

Members of the committees also have access to HSU award reform workshops which are the primary vehicle for working on proposals and responses the Ministry and NSWHP's proposals. Workshops are run about once per week for two hours at a time.

You can also give you feedback directly to any members you know participate in the committees.

Reading newsletters, attendance at statewide meetings and providing detailed responses to any surveys of members are also excellent ways to keep up to date and have your say.

We're also planning to set up a web page with documents and relevant information available in the near future.

Questions about the current HSU ideas

Why use the term “Scientist”?

The term “Hospital Scientist” was adopted when in the 1980s when Medical Technologists, who hold a diploma level qualification, were amalgamated into the Scientific Officer award on the basis that they undertook the same duties and deserved the same pay as Scientific Officers.

Now, not all employees covered by the “Hospital” Scientist award actually work in hospitals (for example, those that work in FASS). Hence, a new term is needed.

The term “Scientist” is currently being used because it captures not only those working in pathology and in hospitals, but also those working in scientific roles in respiratory medicine and research, as well as those working in the Forensic and Analytical Scientific Service.

This term has been discussed with the Industrial Committees and to date there has been no other suitable alternative identified.

Importantly, no final position has been taken by the HSU in relation to the title. If you want to influence the ongoing debate, get involved with your Industrial Committee.

How can you have non-degree qualified people called “Scientist”?

A scientist holding a non-degree qualification is nothing new.

The term “Hospital Scientist” currently captures both degree and diploma (Medical Technologists) qualified employees.

“Scientist” is also a term which captures all of the employees doing scientific work in NSW Health – including technical officers and science degree holders within and outside of pathology.

Further, one of the aims of this process, based on the feedback of members, is that there be one award covering all scientific employees (including all employees doing scientific work in a pathology laboratory). To simplify the award and ensure members are treated equally, a single name makes sense.

Again, no final position on the term “Scientist” has been reached and we’re always open to good ideas.

In the current draft documents, why can a certificate or diploma qualified employee sit above a Hospital Scientists?

Where the former Senior Technical Officers sit within the new award grading is a work in progress and there are good arguments for the different answers. This is an ongoing debate.

Having the former STO classification sit below the base level degree holder classification makes sense because degrees are generally viewed as superior qualifications when compared to certificates and diplomas.

However, having STOs sit above the base level degree holder classification also makes sense because:

1. A degree holder with the same duties as a STO will be properly classified at a higher grade than the certificate or diploma holder or above, hence the value of the degree continues to be recognised.

2. The STO classification is rarely implemented and applies in limited circumstances.
3. STOs are currently paid at a rate that equates to the year 6 – 8 increments for Hospital Scientists, i.e. they already sit at or above the Hospital Scientist level.
4. STO is the correct classification under the current awards for an employee with a certificate or diploma that is in charge of a section or laboratory (and hence, may be in charge of degree holders).
5. Currently, the STO title includes “senior” indicating it may sit above non-senior employees (including base level Hospital Scientists).

No final position has been taken by the HSU in relation to the placement of the former STO position.

If you want to influence the ongoing debate, get involved with your industrial committee, attend statewide meetings, or talk to any of the industrial committee members you know.

Why can a person with a non-pathology degree be classified as a scientist?

This is a major point of contention for many members, particularly those members who have a pathology specific degree or diploma and work in pathology. They often ask us: why does NSW Health hire Hospital Scientists or Technical Officers with non-pathology specific degrees?

There is no perfect answer to these concerns. We can only do the best we can and make sure as many people as possible entitled fair pay, decent conditions, and proper career progression.

Importantly, this is not a circumstance caused by the negotiation process – it is a circumstance which currently exists.

There are many reasons that a person with a non-pathology science degree can be classified as a Hospital Scientist under the current and new award:

1. There are many employees working within NSW Health, under the Hospital Scientist Award, that do not work in pathology – they must continue to be covered by this award to be entitled to proper pay and conditions.
2. Many employees that currently work as Hospital Scientists within pathology have degrees that are non-pathology specific but perform very well. In fact, a majority of Hospital Scientist members do not hold pathology specific degrees.
3. Drafting an award that prevents employees from working as a Hospital Scientist because they have different types of science degree will prevent new and emerging skills being acquired. For example, if pathology specific degrees were required, NSW Health Pathology would not be able to engage appropriately qualified people under the Hospital Scientist Award to work in mass spectrometry.
4. Irrespective of the person’s degree, every new employee needs to be trained and assessed as competent in their area of scientific work. That will not change.
5. The award shouldn’t be overly concerned with exceptional cases like those with atypical science degrees – it should ensure as many employees as possible are entitled to fair pay and conditions.
6. The award should not be overly prescriptive: new degrees will emerge, old degrees will fade away, and the award must be flexible enough to allow this to happen. It is not possible to make a list of degrees that will be relevant now and for decades to come.
7. The employer already has the power to determine what degree is preferred and hire based on those preferences. But, once employed, if a person holds a science degree and is required to

do scientific work, they must be paid appropriately. The award does not force the employer to hire individuals with the “wrong” type of degree.

No final position has been taken by the HSU in relation to the this. If you want to influence the ongoing debate, get involved with your industrial committee.

Will my pay go backwards?

The HSU will do everything in its power to make sure that no member’s pay goes backwards.

What will happen if a new award is made?

It is not certain at this time how employees will transition onto the new award (if one is made). There are several options:

1. Employees may have access to an opt in/out process.
2. There may be grandfathering arrangements put in place.
3. There may be a period of time before the new award impacts current employees.
4. Another process may be adopted.

We’ll make sure to be fully engaged with members and the committees when setting up the transition to any new award.

How much will I be paid under the new award?

Pay is likely to be a contentious issue and so we’ve decided to leave that question to later in the negotiations.

The HSU will push for fair pay for everyone.

If we can’t make an agreement with the Ministry and NSWHP about pay, it may be that the Industrial Relations Commission of NSW will be asked to set pay rates.

If that’s the case, the HSU strongly advocate for pay levels that properly recognise your skills, knowledge, duties, and importance of your work.

How will this impact my workplace?

We’re going our best to implement an award which allows the employer to implement structures the suit its requirements.

The award isn’t intended to dictate any particular structure – it is intended to make sure employees are properly paid for the qualifications and duties.

Before we make any final agreement, we intend to model the changes to examine their impacts and identify any problem areas.