Form 1
Application

BEFORE THE INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

or as required by Schedule 1

No. IRC 2019/00216541 and 2020/00166390

APPLICATION FOR AN AWARD VARIATION

Filed by:

NSW Ministry of Health

Contact name:
Blake Robson

Address:
1 Reserve Road
St Leonards NSW 2065

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A. The applicant claims:
A variation to the ***Hospital Scientists (State) Award 2019***

B. under:
Section 17 of the ***Industrial Relations Act 1996***

C. In the terms stated in the attached Schedule 1.

D. Award affected:
Hospital Scientists (State) Award 2019

E. Grounds and reasons:

1. The current classification structure for Hospital Scientists no longer meets the business needs of NSW Health Pathology.

2. A more integrated model which accommodates operations conducted across multiple sites or facilities is required.

3. The proposed classification structure provides a clearer progression pathway for employees appointed to positions with management functions.

F. Particulars:

1. The proposed variation at Schedule 1 seeks to include a new classification of Medical Scientist Manager and to amend the classification titles of all other scientists to delete the word "hospital' in the *Hospital Scientists (State) Award 2019*.
2. This new classification will replace the following:
   a. Chief Hospital Scientist
   b. Senior Hospital Scientist In-Charge of Section; and
   c. Senior or Chief Hospital Scientist In-Charge of Lab

3. It is proposed that the Medical Scientist Manager will have four classification levels to reflect the varying complexity and scope of services delivered across NSW Health Pathology and level of managerial responsibility required.

4. Levels 1 to 3 are operational roles. Level 4 is a strategic role operating state wide.

5. In order to be classified as a Medical Scientist Manager, an employee must be appointed as such by NSW Health Pathology.

6. Progression to pay points within each level will occur, following satisfactory completion of hours of service equivalent to 12 months full time in the respective classification. There is no automatic progression from one level to another.

7. Terms and conditions of employment applying to the classification of Medical Scientist Manager will be those applying to Hospital Scientists and Senior Hospital Scientists under the *Health Professional and Medical Salaries (State) Award 2019, the Hospital Scientists (State) Award 2019* and NSW Ministry of Health Policy Directives, as varied from time to time.

8. Salary increases payable to Hospital Scientists and Senior Hospital Scientists resulting from variations to the *Health Professional and Medical Salaries (State) Award 2019* shall also be applied to the rates of pay for the classification of Medical Scientist Manager.

G. Applicant:

1. Name:
   NSW Ministry of Health

2. Capacity in which applicant applies:
   Employer

3. Address:
   1 Reserve Road
   ST LEONARDS NSW 2065

4. Address for service.
   As above

H. Respondents:
Health Services Union NSW
Level 2, 109 Pitt Street
SYDNEY NSW 2000

…….
Blake Robson
Workplace Relations Advisor

Filed: 16 December 2020

TO THE RESPONDENT(S):
Health Services Union NSW
Level 2, 109 Pitt Street
SYDNEY NSW 2000

IMPORTANT NOTICE:

(1) The respondents are required, under the Rules of the Industrial Relations Commission, to file a notice of appearance at the Industrial Registry within 7 days of service of this notice *(or as the case may be)* on you.

(2) If you do not enter an appearance, or if there is no attendance by you or your counsel, solicitor or agent at the time and place specified in this notice or as notified to you subsequently, the proceedings may be heard in your absence and an order may be made against you.

(3) Unless the time, place and date of hearing are endorsed on this application, the parties will be subsequently advised of the date time and place when the Commission will hear this application. Any enquiries should be made to the Industrial Relations Commission List Clerk, telephone (02) 4925 3953.

(Add, where necessary, form of Appointment for Hearing)

Schedule 1

1. Insert the following into clause 1. Definitions:

   "Discipline" is defined as Anatomical Pathology, Microbiology, Chemical Pathology, Haematology, Immunopathology, Genetic Pathology, Forensic Pathology, General Scientist; Pre and Post Analytical and may include such other separately identifiable disciplines as recognised in pathology sciences from time to time.

   "Medical Scientist Manager" means an employee appointed to a Medical Scientist Manager position.

   The employer has the right to assess and grade which level applies to each position. The employer will determine and appoint to Medical Scientist Manager positions based on operational requirements and merit. Movement between the Medical Scientist Manager classification levels will be merit based appointment to identified vacancies.

For Medical Scientist Managers, annual incremental progression will occur within a level from year one to year three, provided performance objectives have been achieved to the reasonable satisfaction of the employer.

Medical Scientist Manager, Level 1 means an employee appointed to such a position. A Medical Scientist Manager Level 1 is responsible for onsite supervision, within a discipline or disciplines with a single work practice and may support similar services over multiple sites or facilities. Positions at this level may also contribute to routine bench work.

Medical Scientist Managers Level 1 must have as a minimum, a degree at Australian Qualifications Framework Level 7 or equivalent from overseas and assessed by the employer as relevant to the position and a minimum of two years (FTE) experience determined as relevant by the employer.

Medical Scientist Manager, Level 2 means an employee appointed to such a position. A Medical Scientist Manager Level 2 is responsible for leadership and supervision across disciplines and staff based at a single site/facility. Positions at this level may contribute to routine bench work.

Medical Scientist Managers Level 2 must have as a minimum, a degree at Australian Qualifications Framework Level 7 or equivalent from overseas and assessed by the employer as relevant to the position and a minimum of three years (FTE) experience determined as relevant by the employer.

Medical Scientist Manager, Level 3 is an employee appointed to such a position. A Medical Scientist Manager Level 3 has management responsibility across multiple sites or facilities; or for a site or facility with complex or diverse specialty services; or a large work unit of a major site or facility with complex or diverse specialty services.

Medical Scientist Manager, Level 4 is an employee appointed to such a position. A Medical Scientist Manager Level 4 provides statewide leadership on clinical governance and performance and other strategic and advisory functions as required

Medical Scientist Managers Level 3 and 4 must have as a minimum, a Master's Degree at Australian Qualifications Framework Level 9 or equivalent from overseas and assessed by the employer as being relevant to the position and a minimum of five years' (FTE) experience determined as relevant by the employer.

2. Delete the definitions of "Employee" and "Hospital Scientist", "Principal Hospital Scientist" and "Senior Hospital Scientist" in clause 1. Definitions and insert the following:

   "Employee" means a Scientist, Senior Scientist, Principal Scientist, or Trainee Scientist as defined.

   "Medical Scientist" means an employee who has acquired the Diploma in Medical Technology of the Australian Institute of Medical Technologists (before 1974) or who has obtained a degree in science from an approved university or college of advanced education requiring a minimum of three years full-time study or such qualifications as the employer deems equivalent.

   "Principal Scientist" means a Scientist who has been appointed as such and holds a post graduate degree in science at least equivalent to the degree of Master of Science of an approved university, or such other qualifications deemed by the employer to be equivalent and who has had not less than ten years post graduate experience in an appropriate scientific field.

   "Senior Medical Scientist" means an employee who is engaged in scientific work of a professional nature in a public hospital laboratory who holds a degree in science from an approved University or a college of advanced education or such other qualifications deemed by the employer to be appropriate who -

   (a) has been appointed as such; or

   (b) has been approved by the employer for appointment on the recommendation of the Credentials Committee.

3. Delete the definition of "Senior or Chief Hospital Scientist" in clause 1. Definitions.

4. Delete clause 3. Grading of Employees and insert the following in lieu of:

   Grading of Employees

(i) Grades: Every employee other than Trainee Scientist or Medical Scientist Manager shall be classified in one of the grades of Medical Scientist, Senior Medical Scientist, or Principal Scientist as provided hereunder.

(ii) Years of Scale -

(a) Within each grade employees shall, at all times be classified not lower than the year of scale corresponding to the minimum described hereunder for their respective qualifications and/or duties advanced by:

(1) At least one year of scale for each completed year of service in that grade and hospital; and

(2) At least one further year of scale for each completed year of service in the same branch of science in that grade in any other hospital or hospitals.

(b) In determining an employee's classification due allowance also shall be made for any post graduate experience.

(iii) Medical Scientists who hold or are qualified to hold a degree, diploma or other qualification, as shown hereunder shall not be classified below the respective year of scale in this grade, as follows, with advancement as provided for in subclause (ii) of this clause.

Bachelor's Degree (3 year course) - 1st year;

Bachelor's Degree with Honours (3 year course); Bachelor's degree (4 year course) - 2nd year;

Bachelor's Degree with Honours (4 year course); diploma or Bachelor's degree with at least two years' experience concurrent with or after the last two years of the course - 3rd year;

Master's Degree - 4th year;

Fellow of the Institute of Physics, and/or Fellow of the Australian Institute of Physics, Degree of Doctor of Philosophy - 6th year.

provided such degree with honours or such Master's Degree has been obtained in a subject relevant to the branch of science in which the employee is engaged.

(iv) Credentials Committee. A committee consisting of two representatives of the employer and two representatives of the Union shall be constituted to consider and recommend to the employer upon application by the Union or the relevant Health Service.

(a) The appointment of a new employee as a Senior Medical Scientist, or a Principal Scientist.

(b) The promotion of an employee from Medical Scientist to Senior Medical Scientist.

(c) The promotion of an employee from Senior Medical Scientist to Principal Scientist.