

Health Employees' Technical Officer to Hospital Scientist Conversion Interim Award 2024

Frequently Asked Questions

Background

Since August 2023, the Industrial Relations Commission (IRC) assisted NSW Health and the Health Services Union (HSU) with a dispute about the classification of Technical Officers and Hospital Scientists. The dispute largely stemmed from differing views about the definition of a Hospital Scientist in the *Hospital Scientists (State) Award 2023*.

Through the IRC processes, we have reached an interim solution which meets the needs of our current workforce, while providing a pathway forward for ongoing award reform and our future workforce.

Resolution – Interim Award

NSW Health and the HSU have agreed to a 12-month Interim Award which outlines a process for current Technical Officers with relevant work experience and qualifications, and who agree to undertake the duties of a Hospital Scientist, to make a request to be converted to a Hospital Scientist. On making a valid request, the Interim Award provides for eligible Technical Officers to be reclassified as a Hospital Scientist unless the refusal of a conversion is fair and reasonable.

The Interim Award will take effect **12 November 2024** for a nominal period of 12 months.

Q: Where can I find the Interim Award?

Locate and read the *Health Employees' Technical Officer to Hospital Scientist Conversion Interim Award* ('Interim Award') [here](#).

Q: Who is eligible to make a conversion request?

Current Technical Officers (inclusive of Senior Technical Officers) who:

- a) hold a 'requisite science qualification' (as defined); and
- b) agree to undertake the duties of a Hospital Scientist as determined by the Employer from time to time; and
- c) have been employed by the Employer as a Technical Officer for at least 6 months,

may make a written request to the Employer to have their classification converted to a Hospital Scientist as contained within the Hospital Scientists Award (**conversion request**).

Q: What is a requisite science qualification?

Technical Officers will be required to hold a requisite science qualification to be considered, which is defined in the Interim Award, as follows.

'Requisite science qualification' means:

- (A) the Diploma in Medical Technology of the Australian Institute of Medical Technologists (before 1973); or
- (B) a degree in science at Australian Qualifications Level 7 with subjects or a major predominantly relevant to pathology or, if employed in a non-pathology area, to the position to be employed in; or
- (C) a degree in science at Australian Qualification Level 7 with subjects or a major partially relevant to pathology or, if employed in a non-pathology area, the position employed in, and 2 years' of experience as a Technical Officer or Hospital Scientist; or
- (D) a degree in Science at Australian Qualifications Level 7 and 3 years' of experience as a Technical Officer or Hospital Scientist; or
- (E) a qualification which has been assessed by the body appointed by the Commonwealth government to assess qualifications for skilled migration visas as meeting the qualification requirement of Medical Scientist ANZ234611; or
- (F) such qualifications and experience as the employer deems equivalent.

Q: How are 'predominantly relevant' and 'partially relevant' determined?

When you submit your conversion request application, your qualifications and academic transcript will be assessed against the definition provided in the Interim Award (extracted above). This assessment will be completed by an experienced and qualified scientist. If you would like your qualification assessed prior to making your conversion request, to inform your decision about whether you will make a conversation request, please provide copies of your academic transcript and degree certificate to the relevant contact address for you below to assist with the application.

Local Health District / Health Agency	Contact Address
NSW Health Pathology	NSWPATH-HSInterimAward@health.nsw.gov.au
Sydney Children's Hospitals Network	SCHN-TOHSInterimAward@health.nsw.gov.au
Central Coast Local Health District	CCLHD-IndustrialRelations@health.nsw.gov.au
Hunter New England Local Health District	HNELHD-HRCorporate@health.nsw.gov.au
Health Share NSW	HSNSW-IndustrialRelations@health.nsw.gov.au
Illawarra Shoalhaven Local Health District	ISLHD-WorkforceOperations@health.nsw.gov.au
Murrumbidgee Local Health District	MLHD-WorkplaceRelations@health.nsw.gov.au
Nepean Blue Mountains Local Health District	Adam.Quested@health.nsw.gov.au
North Sydney Local Health District	NSLHD-WorkplaceRelations@health.nsw.gov.au
South East Sydney Local Health District	SESLHD-PeopleandCultureEnquiries@health.nsw.gov.au
Sydney Local Health District	SLHD-HSInterimAward@health.nsw.gov.au
South West Sydney Local Health District	SWSLHD-HSInterimAward@health.nsw.gov.au
Western NSW Local Health District	WNSWLHD-Grading@health.nsw.gov.au
Western Sydney Local Health District	WSLHD-IR-ER@health.nsw.gov.au

Q: Are there any restrictions on Technical Officers in submitting a conversion request?

All current Technical Officers, who meet the above eligibility criteria, can submit a conversion request.

Q: Does there need to be a vacancy in the department for a conversion request to be submitted?

The existence of a vacancy for a Hospital Scientist role is not a pre-requisite for a conversion request or subsequent reclassification as Hospital Scientist.

Equally, a Hospital Scientist vacancy does not guarantee a conversion request will be accepted.

The Technical Officer will need to demonstrate how they meet the conversion request requirements, and applications will be assessed in accordance with the requirements of the Interim Award and the needs of the laboratory/work area within which you work. To guide your decision-making, please refer to Clause 19 of the Interim Award which outlines matters taken into consideration when accepting or declining a conversion request.

Q: How do I apply?

Please complete the NSW Health conversion request application form via the SARA 'Credentialling Request' form. A downloadable copy of the form can be found [here](#).

This is to be accompanied by:

- a) a copy of your degree certificate and academic transcript,
- b) evidence of your relevant work experience and,
- c) your agreement to perform Hospital Scientist duties. If there is a Hospital Scientist position description available for the area where you work, this should be included.

Applications are to be submitted to via the SARA 'Credentialling Request' form.

Only complete applications, consisting of all required information, will be considered.

Q: Having trouble completing your application?

Reach out to your team to assist with the application.

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NSW Health Pathology	NSWPATH-HSInterimAward@health.nsw.gov.au
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Hunter New England Local Health District	HNELHD-HRCorporate@health.nsw.gov.au
Health Share NSW	HSNSW-IndustrialRelations@health.nsw.gov.au
Illawarra Shoalhaven Local Health District	ISLHD-WorkforceOperations@health.nsw.gov.au
Murrumbidgee Local Health District	MLHD-WorkplaceRelations@health.nsw.gov.au
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South East Sydney Local Health District	SESLHD-PeopleandCultureEnquiries@health.nsw.gov.au
Sydney Local Health District	SLHD-HSInterimAward@health.nsw.gov.au

South West Sydney Local Health District	SWSLHD-HSInterimAward@health.nsw.gov.au
Western NSW Local Health District	WNSWLHD-Grading@health.nsw.gov.au
Western Sydney Local Health District	WSLHD-IR-ER@health.nsw.gov.au

Q: How long do I have to apply?

This Interim Award will commence 12 November 2024 and you can make your request at any time from that date. The Interim Award will nominally expire 12 months after commencement. Prior to the nominal expiry, the Interim Award will be reviewed by the IRC. The Interim Award continues to operate past the 12 month nominal expiry date unless rescinded. Any changes will be communicated in advance.

Q: How long will it take for my application to be considered?

Duly completed conversion requests will be considered and determined by your health entity within 1 month from date of application received, unless an extension of time is agreed in writing. Notification of the outcome will be provided to the email address listed in your NSW Health conversion request application form.

Accepted conversion requests:

Q: How will an accepted conversion request impact my daily duties?

To submit a conversion request you must agree to undertake the duties of a Hospital Scientist as determined by the employer. By agreeing to undertake the duties outlined in the position description of a Hospital Scientist as part of the conversion request, your daily roles, responsibilities, and expectations will align to these.

Q: Will I convert to a Hospital Scientist, 1st year?

The transitional arrangement will be as such to ensure there is no detriment to the Technical Officer in converting to a Hospital Scientist in respect of rate of pay.

This process will be actioned via:

- a) Salary match from current Technical Officer grading to Hospital Scientist, and/or
- b) Service calculation whereby prior service as a Hospital Scientist can contribute towards increment, and/or
- c) Where qualifications as outlined in the [*Hospital Scientists \(State\) Award*](#), determine a grade higher than 1st year. E.g. Master of Science

Q: When will I be converted to a Hospital Scientist?

If the conversion request is accepted, the Technical Officer will be converted to a Hospital Scientist effective the date the conversion request was received. You will receive written notification of the outcome within 1 calendar month of making the conversion request, unless an extension of time is agreed in writing.

Q: Will I receive a new letter of offer?

Yes, those with an accepted conversion request will be issued with a new letter of offer outlining the conversion date and new grading. This will be accompanied by a new position description.

Q: How will on-call and shift penalties apply once converted to a Hospital Scientist?

Once converted to a Hospital Scientist, your on-call and shift penalties will align with those outlined in the [*Hospital Scientists \(State\) Award*](#). Please note, in agreeing to take on the duties of a Hospital Scientist, there may be changes to your shifts or work patterns in line with the Hospital Scientist position and the requirements of the laboratory.

Refused conversion requests:

Q: How will I know if my conversion request has been refused?

If a Technical Officers' conversion request is refused on the basis set out in the Interim Award, they will receive a written notification of that refusal. This will include the reasons for refusal. This notification will be received within 1 calendar month from the date the duly completed conversion request is made, unless an extension of time is agreed in writing.

Q: On what basis can a conversion request be rejected?

A conversion request may be refused where it is fair and reasonable in all the circumstances. This allows for a broad consideration of matters which are not limited by the terms of the Interim Award. The Interim Award does set out examples of some matters that may be relevant and these include:

- a) the particular nature of the science qualification held by the employee;
- b) any gender disparity in pay within the laboratory or area worked, if any disparity exists;
- c) any effect on the Employer's ability to attract and retain skilled staff in the laboratory or area worked, where there are attraction and retention issues;
- d) the nature of the laboratory or area worked, and the nature and volume of work performed where the employee currently works including duties performed by staff in the laboratory or area worked, technology and equipment used;
- e) the experience, skills, training and other qualifications of the employee;
- f) the performance of the employee;
- g) the employee's work experience and duration of the employment; and/or
- h) the staffing numbers and skills mix in the laboratory or area where the employee currently works.

Q: Can I appeal the decision?

Technical Officers who have their conversion request refused, may refer their request to the Transitional Committee to be further considered. Requests to refer to the Transitional Committee are required to be submitted within 1 calendar month of the refusal, unless an extension of time is agreed in writing.

Q: What is the Transitional Committee?

The Transitional Committee is a statewide committee consisting of an equal number of two Employer and two Union representatives, who are all qualified senior scientists. The role of the Transitional Committee is to determine whether the refusal was fair and reasonable in all the circumstances. There will be other Transitional Committee participants performing administrative functions.

Q: How do I refer my request to the Transitional Committee?

Referrals to the Transitional Committee are to be submitted within 1 month of a refusal notification, Applications to the Transitional Committee are to be submitted to moh-wr-irandwc@health.nsw.gov.au with the following supporting documents:

- Complete application – as set out in the 4. Request Requirements of the Interim Award.
- Notification of decision
- Written request for the Transitional Committee to review.

An extension of time may be agreed in writing.

Q: How long will my application take to be reviewed by the Transitional Committee?

The Transitional Committee will be convened to determine whether the refusal was fair and reasonable in all the circumstances within 1 calendar month of a conversion request being referred.

An extension of time may be agreed in writing.

Q: What are the possible outcomes of the Transitional Committee?

There are three possible outcomes from the Transitional Committee:

1. The Transitional Committee decides by majority that the refusal for conversion was fair and reasonable in all circumstances.
2. The Transitional Committee decides by majority that the refusal for conversion was not fair and reasonable in all circumstances.
3. The Transitional Committee does not make a decision, or reach a majority decision, within the specified time frame.

Q: What happens if the Transitional Committee decides by majority that the refusal for conversion was fair and reasonable in all circumstances?

The Technical Officer will receive a written notification that the Transitional Committee has decided that the refusal of the conversion request was fair and reasonable in all the circumstances. As a result, the Technical Officer will not be converted to a Hospital Scientist.

If the Technical Officer disagrees with the decision of the Transitional Committee, they may notify a formal dispute to the IRC for assistance. This will begin a process of conciliation, and, if the matter cannot be resolved, it will proceed to arbitration (or a hearing) where the IRC will make a determination as to whether the Employer's refusal of a conversion request was fair and reasonable in all the circumstances. Notification to the IRC must be made within 1 month of the decision of the Transitional Committee. An extension of time may be agreed in writing.

Q: What happens if the Transitional Committee decides by majority that the refusal for conversion was not fair and reasonable in all circumstances?

Where the Transitional Committee deems that the Employer's decision to refuse conversion was not fair and reasonable and the Employer does not refer the decision to the IRC, then the Technical Officer will be notified and will convert to a Hospital Scientist. This will take effect from the date of their conversion request application.

If the Employer does not agree with the decision of the Transitional Committee, the Employer can notify a formal dispute to the IRC following the decision of the Transitional Committee. The Employer will inform the Technical Officer of their intention to notify a dispute prior to doing so. It is important the Technical Officer is aware of this possibility when deciding to refer a refused conversion request to the Transitional Committee, as they will be required to participate in the IRC processes in the event the Employer files a dispute.

The Technical Officer can withdraw their conversion request at any stage of the process. If the Technical Officer does not wish the Employer to refer the matter to the IRC for determination, they are entitled to withdraw their conversion request.

Q: What happens if the Transitional Committee does not make a decision?

Where the 4 members of the Transitional Committee are unable to decide by majority (e.g. split votes) or within 1 month of being required to convene, then 14 days after that date the Technical Officer will be deemed converted to Hospital Scientist effective the date of the request being made, unless the Employer notifies the matter to the IRC or the Technical Officer withdraws their conversion request within that 14 day period.

It is important the Technical Officer is aware of this possible pathway, as they will be required to participate in the IRC process of conciliation and/or arbitration in the event the Employer notifies the IRC. Parties can agree to extend the timeframe for the Transitional Committee to convene and make a decision.

Q: If my conversion request is refused, when can I re-submit a conversion request?

Technical Officers can submit a further conversion request once 12 months have passed since:

- the date of the decision of the Employer to refuse the conversion request (where the matter is not referred to the Transitional Committee); or
- if referred to the Transitional Committee and/or subsequently IRC, the date of the decision of the Transitional Committee that the Employer’s refusal was fair and reasonable.

Technical Officers are also entitled to make a further conversion request before the 12 month period has passed if the nature of their employment, including the duties required of them, materially changes.

Q: Can I withdraw my conversion request application?

Yes, a Technical Officer may withdraw a conversion request at any time. A written request to withdraw must be submitted to your local contact:

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NSW Health Pathology	NSWPATH-HSInterimAward@health.nsw.gov.au
Sydney Children’s Hospitals Network	SCHN-TOHSInterimAward@health.nsw.gov.au
Central Coast Local Health District	CCLHD-IndustrialRelations@health.nsw.gov.au
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Nepean Blue Mountains Local Health District	Adam.Quested@health.nsw.gov.au
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Q: Are Hospital Scientist positions able to be advertised?

Yes, Hospital Scientist positions can still be advertised. Nothing in the Interim Award prevents an employee being hired directly as a Hospital Scientist in accordance with the Hospital Scientists (State) Award.

Q: If my conversion request is refused, am I restricted from applying for advertised Hospital Scientist positions?

No, a refused conversion request does not stop you from applying for other Hospital Scientist positions and undergoing a merit-based selection process.

Q: What happens when I leave my converted Hospital Scientist position?

Where the Technical Officer's classification is converted to a Hospital Scientist, the classification is attached to the employee, not the position. When the person with the converted Hospital Scientist classification leaves their role, this does not automatically render a Hospital Scientist position vacant. Subsequent positions may be advertised at either Hospital Scientist or Technical Officer classification as required and determined by the employer.

Q: Where can I find out more?

We will continue to provide information and support. Here are some helpful links:

- The Interim Award:
<https://www.health.nsw.gov.au/careers/conditions/Awards/hsu-technical-officer-conversion-interim.pdf>
- Further Resources:
<https://www.health.nsw.gov.au/careers/conditions/Pages/other-employment-information.aspx>