

NEW RIGHTS! Degree qualified Technical Officer conversion to Hospital Scientist

For years, HSU members have agitated and advocated for NSW Health employees performing scientific work and holding scientific qualifications to be recognised as Hospital Scientists.

After years of delay and excuses from NSW Health, NSW Health Pathology, Sydney Children's, and Local Health Districts, HSU members said enough is enough and lodged a case on behalf of two HSU members incorrectly classified as Technical Officers. Sixteen brave and committed HSU members stood in support of the case as witnesses. Their evidence put us in a position to negotiate a clear, objective, and transparent pathway for Technical Officers to transition to Hospital Scientist.

If you are a Technical Officer employed within NSW Health and meet the following criteria, you are entitled to convert to Hospital Scientist:

1. hold a "requisite science qualification", and
2. agree to undertake the duties of a Hospital Scientist, and
3. have been employed within NSW Health for at least 6 months.

A "requisite science qualification" is defined as:

(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.

The Employer may deny your entitlement only in circumstances where it is fair and reasonable to do so. But that doesn't include the duties you perform or whether you hold a particular competency you have not had the chance to complete.

If your employer refuses your request, they must provide the reasons and you can appeal the decision to a committee made up of your peers (with an equal number of representatives from the HSU NSW and NSW Health). If the committee cannot make a majority decision within a certain period of time, you will automatically convert unless your employer appeals to the Industrial Relations Commission. An independent member of the Commission may then decide your classification.

The following page has more detailed and important information about your rights. Your Union has experts available to assist with this process. Members may contact us for any assistance required, including representation in the Commission.

Importantly, Technical Officers with certificates and diplomas are not impacted by this award and can continue to perform the full range of scientific duties, as usual. Their fight (alongside all HSU members) for better pay and recognition of the important work they form continues through award reform.

Further information regarding your conversion request

Thank you for making a request to convert from Technical Officer to Hospital Scientist. Your employer values the work you perform and encourages you to make this conversion request.

Please be aware that:

1. You must provide the information requested from your Employer to be entitled to conversion.
2. A form will (which must be agreed between the Union and Employer) will be provided soon.
3. Once made, your employer has 1 month to decide whether to refuse or accept your request.
4. If the request is accepted, your classification will convert as of the date of your request.
5. If the request is refused, your employer must provide the reasons for its refusal.
 - a. Those reasons cannot include that you have not been offered or have not performed particular duties, or you do not hold a competency because you have not had the opportunity to obtain it.
6. The employer may only refuse the request if it is fair and reasonable in all of the circumstances. Some of the potentially relevant circumstances include (but are not limited to):
 - a. the particular nature of your qualification;
 - 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 experience, skills, training and other qualifications of the employee;
 - e. your performance at work;
 - f. your work experience and duration of employment; and/or
 - g. the staffing numbers and skills mix in the laboratory where you currently work.
7. You do not have to prove that it is fair and reasonable in all the circumstances that you be converted. You must only prove you meet the objective criteria. It is the Employer's responsibility to establish that it is fair and reasonable in all the circumstances that your conversion be refused (if it is).
8. If no response to your request is received within 1 month, your request is taken to have been referred to the Transitional Committee at that time.
9. If the request is refused, you have 1 month to refer any refusal to the Transitional Committee.
10. The Transitional Committee is a committee of your peers (experienced Hospital Scientists with scientific qualifications) who decide whether your employer's refusal was fair and reasonable. The Union and Employer are equally represented on the Transitional Committee.
11. The Transitional Committee must convene within 1 month of a referral to it.
12. The Transitional Committee must make a decision within 1 month of convening.
13. Your Union or the Employer can notify the Industrial Relations Commission within 1 month of the Transitional Committee's decision if they disagree with the decision.
14. If the Transitional Committee does not make a majority decision within 1 month of convening (or being required to convene) you will convert to Hospital Scientist effective the date of your request, unless within 14 days:
 - a. you withdraw the conversion request, or
 - b. your employer notifies the Industrial Relations Commission.
15. If a matter is referred to the Industrial Relations Commission an independent member of the Commission may decide your classification.
16. The timeframes above may only be changed by agreement between you and your employer.
17. The HSU NSW is your union and can assist with any issues related to your request to convert.
18. Your right to request is provided in the [Health Employees' Technical Officer to Hospital Scientist Conversion Interim Award 2024](#).
19. Successful conversion requests made within the first month of the award's operation will be backdated an additional 1 month i.e. a request made on 1 November will be backdated to 1 September.
20. You may withdraw your request at any time.
21. Contact scientists@hsu.asn.au for assistance.