

REVIEW OF THE WORK LEVEL DEFINITIONS FOR PROFESSIONAL OFFICERS, MEDICAL SCIENTISTS AND GRANT FUNDED SCIENTISTS IN APPENDICES 5, 6 AND 7 OF THE SOUTH AUSTRALIAN GOVERNMENT WAGES PARITY (SALARIED) ENTERPRISE AGREEMENT 2006

DISCUSSION PAPER

This Discussion Paper has been prepared for the agency nominated Human Resources representatives and the association representatives who are participating in the review of the work level definitions for Professional Officers, Medical Scientists and Grant Funded Scientists in Appendices 5, 6 and 7 of the *South Australian Government Wages Parity (Salaried) Enterprise Agreement 2006* (WPEA).

In accordance with the Terms of Reference for the review, this paper aims to provide these representatives with a summary of all submissions received by Public Sector Workforce Division (PSWD) to the review and an indication of which issues contained in these submissions are supported for further discussions with the relevant parties.

1. Background

- 1.1 New work level definitions (WLDs) for Professional Officers, Medical Scientists and Grant Funded Scientists were introduced in WPEA.
- 1.2 Approximately 7,000 of the 35,000 employees covered by WPEA are employed in the Professional Officers, Medical Scientists and Grant Funded occupational groups (“Professional Officers”).
- 1.3 The new WLDs came into effect on 21 December 2006, and are attached at Attachment 1.
- 1.4 The new WLDs replaced the following classification structures:
 - Professional Officers – replaced the Professional Services Stream Classification Structure in Schedule 3 of the *S.A. Public Sector Salaried Employees Interim Award* (SAPSSEI);
 - Medical Scientists – replaced the Classification Descriptions in Schedule 1 of the *Medical Scientists (South Australian Public Sector) Award*;
 - Grant Funded Scientists – replaced the existing WLDs in the Grant Funded Scientists (unregistered agreement: APESMA dated 2001).
- 1.5 The purpose of the new WLDs includes:
 - To address career advancement and deliver improved salary outcomes for Professional Officers in excess of 3.5% per annum paid to other employees subject to WPEA who are employed in the administrative, technical and operational streams. In the first year of WPEA, Professional Officers received salary increases of between 6.1% to 7.7% (subject to classification level), followed by two further increases of 3.5% per annum in October 2007 and October 2008;
 - To address the issues of attraction and retention for Professional Officers;
 - The development of generic WLDs, in order to provide greater consistency in the classification of positions between professions and clearer guidelines for classification panels.
- 1.6 In correspondence to the Public Service Association (PSA), the Association of Professional Engineers, Scientists and Managers Australia (APESMA) and the Health Services Union (HSU) in December 2006, Public Sector Workforce Division (PSWD) made an undertaking to facilitate the following review:

A review on the operation of the new work level definitions for Professional Officers, Medical Scientists and Grant Funded Scientists will commence in January 2008 in consultation with the Commissioner for Public Employment and those parties who have indicated support for the proposed Enterprise Agreement and who are signatories to the proposed Enterprise Agreement (either as associations or employee agents).

A discussion paper will be developed by Public Sector Workforce Relations with the intention that any agreed matters can be implemented during the life of the Enterprise Agreement.”

- 1.7 For the purpose of this review and discussion paper, “agreed matters” are common understandings between the employers and/or employee associations on issues that PSWD considers should be discussed further with the relevant parties.

2. Definition of Professional Officer

- 2.1 Professional Officers come from a range of discipline focused roles for which the acquisition of a degree level qualification is essential to either perform the work or meet the requirements of a Professional Body.

- 2.2 Professional Officers covered by the WLDs in WPEA come from the following disciplines:

- The 55 occupational groups incorporated into the Professional Services Stream in Schedule 3 of SAPPSEI. This list is attached at Attachment 2.
- Medical Scientists who hold an appropriate Science degree or recognised equivalent qualification, and are covered by the *Medical Scientists (South Australian Public Sector) Award*.
- Grant Funded Scientists with a degree level qualification who are employed as research scientists by either the Institute of Medical and Veterinary Science, the Royal Adelaide Hospital, the Women and Children’s Hospital, the Queen Elizabeth Hospital or the Repatriation General Hospital using funds provided by the National Health and Medical Research Council and other external grant-funding bodies which allocate grants on a competitive basis.

- 2.3 Minimum essential qualifications for Professional Officers are contained in Attachment C of Commissioner’s Standard 2 (refer to Attachment 3) and in Part 4-4 of the Department of Health (SAHC Act and IMVS Act) Human Resources Manual (refer to Attachment 4).

- 2.4 A graduate with the minimum essential qualifications for eligibility into the Professional Officers Structure will generally enter as a Level 1 and then develop discipline expertise and experience, and obtain any required higher qualifications (eg post-graduate qualifications), in order to advance through the Levels.

3. Review Process

- 3.1 PSWD developed proposed terms of reference for the review, which were forwarded to the PSA, APESMA and the HSU for comment on 21/22 November 2007. These terms of reference are attached at Attachment 5.

- 3.2 On 22 November 2007, PSWD wrote to all portfolio Chief Executives to request nominations for Human Resource representatives to participate in the review as members of an Employer Consultative Group (ECG).

- 3.3 In accordance with the methodology in the terms of reference for the review, PSWD convened a meeting of the ECG on 15 January 2008. Agency comments made at

this meeting in relation to the review, and any follow-up agency comments, were recorded by PSWD.

- 3.4 PSWD summarised the agency comments, and sent this summary to members of the ECG on 26 February 2008 to gain feedback.
- 3.5 Also in accordance with the terms of reference, PSWD convened a meeting of the Employee Representatives Consultative Group (ERCG) consisting of association representatives and member representatives from the PSA, APESMA and the HSU on 30 January 2008. PSWD recorded association/member comments made at this meeting in relation to the review.
- 3.6 PSWD sent notes of the ERCG meeting, together with a list of matters raised by the ECG, to the PSA, APESMA and the HSU on 28 February 2008.

4. Submissions to the Review

- 4.1 In accordance with the terms of reference, submissions to the review could be provided up to 16 March 2008. However, by agreement, late submissions were accepted by PSWD.
- 4.2 The following written submissions were received by PSWD:
 - PSA – dated 27 March 2008 – based on feedback which has been previously provided to PSWD in correspondence dated 31 October 2006 and 9 October 2007, and in consultation with PSA members on the overall implementation and operation of the WLDs;
 - APESMA – dated 9 January 2008 – summarises new issues that have arisen and issues from APESMA's previous submission in a tracked changes document dated 8 November 2006;
 - HSU – dated 13 March 2008;
 - Department of Health (DH) and associated Health Region submissions, under a cover letter from the Executive Director, Workforce Development, DH dated 18 March 2008;
 - South Australian Medical Scientists Association (SAMSA) – letter received by DH on 1 February 2008.

- 4.3 A summary of the submissions received from the ERCG is attached at Attachment 6.
- 4.4 As agreed by the ERCG, PSWD facilitated the sharing of the employee association submissions.

5. Summary of Issues

- 5.1 PSWD has compiled a summary of all issues raised by the ECG, ERCG and the Health Regions. This summary is attached at Attachment 7.
- 5.2 In accordance with the terms of reference for the review, PSWD has indicated which of these issues is supported for further discussions with the relevant parties in the summary.
- 5.3 All issues raised relating to the terminology and definitions in the WLDs have been supported as matters for further discussions.

- 5.4 Where there were differing employer views about an issue, this issue is not supported for further discussions.
- 5.5 The issues raised with the most support of the employers and/or the employee associations are:
- Several PO4 operational outcomes should be placed at PO5;
 - The expectation that professionals at the PO5 level have an international reputation;
 - The terms “program”, “project” and “work unit” require defining;
 - Overall requirements and level of responsibility at Mes4/GFS4, MeS5/GFS5 and MeS6/GFS6 have been raised;
 - WLDs need to more accurately reflect the role of Grant Funded Scientists;
 - The management allowance is difficult to apply and requires further clarification.
- 5.6 PSWD has also determined in the summary which issues raised are beyond the scope of the review and/or may offend the No Extra Claims provision of WPEA and, as a result, not included as matters for further discussions.

6. No Extra Claims Provision

- 6.1 The No Extra Claims provision is specified in Clause 21 of WPEA as follows:

“21.1 This Enterprise Agreement and its salary schedules will be taken to have satisfied and discharged all claims of any description (whether as to monies or conditions).

21.2 The rates of pay provided for in this Enterprise Agreement are inclusive of all previously awarded safety net adjustments and all future increases during the term of this Enterprise Agreement, arising out of State Wage Case decisions, including safety net adjustments, living wage adjustments or general increases, howsoever described.

21.3 Subject to this clause, the employees and associations undertake that for the term of this Enterprise Agreement, they will not pursue any further or other claims within the parameters of this Enterprise Agreement, except where consistent with State Wage Case principles.”

- 6.2 In accordance with the terms of reference for this review and the No Extra Claims provision in WPEA, PSWD determined that the following issues raised by either the employer or employee associations as part of the review breach the No Extra Claims provision:
- Insufficient salary levels for Professional Officers;
 - The adoption of the Tasmanian Government model to remunerate and classify its allied health professionals;
 - A separate classification structure for allied health professionals;
 - A separate classification structure for psychologists (including clinical psychologists and neuropsychologists);

- Creation of a new pre-graduate level (PO0) for those employees in the process of obtaining a qualification;
 - Creation of a new PO6 level for Professional Officers with a national and/or international reputation;
 - Reviewing the number of increments in PO1, MeS1 and GFS1;
 - The quantum of the management allowance;
 - Creation of a separate management stream.
- 6.3 Any issues raised that offend the No Extra Claims provision of WPEA could be addressed during the negotiations for the next Enterprise Agreement, noting that WPEA does not nominally expire until 21 December 2009.
- 6.4 In accordance with clause 25 of WPEA, negotiations for a new Enterprise Agreement may commence not earlier than 3 months prior to the expiry of WPEA i.e. no earlier than 21 September 2009.

7. Issues Beyond the Scope of the Review

- 7.1 A number of issues raised by the employer or the employee associations were identified by PSWD as being beyond the scope of the review, and were not supported for further discussions.
- 7.2 These issues, and the reasons why they were not supported for further discussions (explanations in italics), are as follows:
- Accelerated progression through the increment levels to recognise experience and/or past service – *under section 31 of the Public Sector Management Act 1995 (“PSM Act”), a Chief Executive of an administrative unit has the authority to fix or vary the remuneration levels of positions in the unit. Under sections 30 and 51 of the South Australian Health Commission Act 1972 (“SAHC Act”), incorporated health units may appoint staff upon terms and conditions fixed by the Chief Executive.*
 - Needs to be clarified in the WLDs that Clinical Psychologists are appointed at the 6th increment of PO1 - *under section 31 of the PSM Act, a Chief Executive of an administrative unit has the authority to fix or vary the remuneration levels of positions in the unit. Under sections 30 and 51 of the SAHC Act, incorporated health units may appoint staff upon terms and conditions fixed by the Chief Executive.*
 - Classification of Clinical Psychologists at PO1 is too low – *a reclassification process needs to be undertaken in accordance with the WLDs and not the job description.*
 - Different classifications for jobs being advertised in the Notice of Vacancies eg Manager, Physiotherapist at Women’s and Children’s Hospital at PO3 and a Team Leader, Pharmacy at PO4 – *it is the responsibility of individual agencies (eg DH) to ensure a classification level is appropriate for the job description.*
 - Flexibility to appoint graduates from other disciplines (eg nurses, teachers) to positions where their skills and training are relevant (eg within Disability SA, Families SA) – *in accordance with sections 31 and 32 of the PSM Act and sections 30 and 51 of the SAHC Act, a Chief Executive has the delegated authority to classify positions. If a graduate meets the mandatory*

criteria for eligibility into the Professional Officers Structure, the employee is able to move into this Structure.

- Review Schedule 3, Professional Officers Stream in SAPSSEI, and include other occupational groups in this classification structure – *a review of Schedule 3 does not relate to the implementation and operation of the WLDs, and any such review should be dealt with via an application to vary the SAPSSEI Award.*

8. Next Steps

8.1 PSWD recommends that the following approach be taken in order to progress this review:

- Members of the ECG and ERCG to provide feedback on this Discussion Paper by Friday 4 July 2008;
- PSWD to consult with members of the ECG and ERCG about any comments provided, and specifically on the issues raised that have the most support of the employers and/or employee associations;
- As a result of this consultation process, PSWD will make any draft changes to the WLDs, have these draft changes approved by the Executive Director, PSWD and distribute them to the ECG and the ERCG for review by 1 August 2008.

8.2 Comments on this Discussion Paper should be provided by post or email to PSWD by 4 July 2008. The PSWD contact officer is:

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Prepared by Public Sector Workforce Division

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