

HEALTH EMPLOYEES' PHARMACISTS (STATE) AWARD 2023

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by NSW Ministry of Health.

(Case No. 213153 of 2023)

Before Chief Commissioner Constant

17 August 2023

AWARD**PART A****Arrangement**

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PART A**1. Definitions**

"Deputy Director of Pharmacy" means a pharmacist who is appointed as such to an established position and whose function is to assist the Director of Pharmacy in the administration of the Department.

"Director of Pharmacy" means a pharmacist who has been appointed as such in a pharmacy department of a hospital.

"Employer" means the Secretary of the Ministry of Health exercising the employer function on behalf of the Government of New South Wales.

"Group 1 Hospitals"

- (a) Gosford Hospital, John Hunter Hospital (Newcastle), St Vincent's Hospital, Royal North Shore, St George Hospital and Community Health Services (Kogarah) and Concord Repatriation General Hospital.
- (b) Westmead, Royal Prince Alfred (including Balmain and Rachel Forster), Prince Henry and Prince of Wales Group (includes Sydney Children's Hospital)

"Group 2 Hospitals" - Calvary Mater Hospital (Newcastle), Sydney Children's Hospitals Network (Randwick and Westmead), Liverpool, Nepean, Wollongong Hospital, Blacktown & Mt Druitt Hospitals, Bankstown-Lidcombe, Macarthur Health Service.

"Group 3 Hospitals" - Coffs Harbour Base, Wagga Wagga Base, Sutherland, Tamworth, Canterbury, Lismore Base, Ryde, Hornsby Ku-Ring-Gai, Fairfield, Dubbo Base.

"Group 4 Hospitals" - Northern Beaches Hospital, Auburn, Balmain, Sydney Hospital and Sydney Eye Hospital, Albury Wodonga health (Wodonga Campus), Wyong Public Hospital, Blue Mountains District ANZAC Memorial Hospital, Springwood Hospital, Griffith Base, Orange Health Service, Bathurst Base, Shellharbour, Shoalhaven District Memorial Hospital, Macquarie Hospital (Mental Health Residential Facility), Armidale Rural Referral Hospital, The Tweed Hospital, Murwillumbah District Hospital

"Group 5 Hospitals" - Belmont, Cessnock, Maitland, Kurri Kurri, Muswellbrook, Neringah, Royal Ryde Rehabilitation, Uniting War Memorial Hospital, Bowral, Cootamundra, Manning, Kempsey, Wauchope, Young, Goulburn Base Hospital, Bulli, Casino, Kyogle, Grafton, Mona Vale, Cowra, Royal Hospital for Women, Parkes/Forbes, Lithgow, Condobolin, Inverell, Moree/Narrabri, Glen Innes.

"Health Service" means a Local Health District constituted under section 8 of the Health Services Act 1997, a Statutory Health Corporation constituted under section 11 of that Act, and an Affiliated Health Organisation constituted under section 13 of that Act, as amended or varied from time to time

"Hospital" means a public hospital as defined in section 15 of the Health Services Act 1997, as amended or varied from time to time.

"Pharmacist" means a person who is registered as a practicing pharmacist with the Pharmacy Board of Australia.

A Pharmacist who has after registration not less than three years' experience in hospital pharmacy and can demonstrate competency in at least one of the essential competency criteria and 3 other competency criteria will be classified as a Pharmacist Grade 2.

Provided that Pharmacists paid at the eight year of service rate immediately prior to transfer to this structure shall not be eligible for incremental progression unless they meet the criteria for appointment to Grade 2.

"Pharmacist Grade 3" means a Pharmacist who is responsible to the Director of Pharmacy or Deputy Director of Pharmacy for the management and efficient performance of a specific unit or function of the hospital's pharmacy Department. Such appointment shall only be made where the hospital employs at least 5 Pharmacists or a Director of Pharmacy Group 5 Hospitals and Deputy Director of Pharmacy Group 3 Hospitals

"Pharmacist Grade 4" Director of Pharmacy Group 4 Hospitals and Deputy Director of Pharmacy Group 2 Hospitals.

"Pharmacist Grade 5" Director of Pharmacy Group 3 Hospitals and Deputy Director of Pharmacy Group 1 Hospitals.

"Pharmacist Grade 6" Director of Pharmacy Group 2 Hospitals.

"Pharmacist Grade 7" Director of Pharmacy Group 1 Hospitals.

"Union" means the Health Services Union NSW.

2. Competency Criteria

Essential:

- (i) Postgraduate qualifications in either Diploma of Hospital Pharmacy, Diploma of Clinical Pharmacy or any other relevant postgraduate qualifications and a minimum of 6 months experience in the relevant specialty. Relevant areas of specialty practice may include but should not be limited to: Liaison Pharmacy, Clinical Trials, Research and/or Project Coordinator, Information Technology, Oncology, Nutritional Support, Paediatrics, Critical Care; or

- (ii) In the case of a Pharmacist who does not hold a post graduate qualification and has had, after registration, not less than 3 years' experience in hospital pharmacy including not less than 12 months, experience in the relevant specialty acceptable to the employer; or
- (iii) Be able to demonstrate a higher level of performance in clinical pharmacy practices as defined by at least meeting the standards in the document published by Society of Hospital Pharmacists of Australia in 1996 to the satisfaction of the Director of Pharmacy and equivalent Director of Pharmacy from another Health Service and if necessary, another Pharmacist nominated by the employer.

Other:

- (a) An ability to demonstrate a record of participation in teaching programs with other Pharmacists and/or University students, community health, nursing staff or other health care providers.
- (b) Demonstrated ability to supervise other Pharmacy staff and be responsible for the supervision of other Pharmacists.
- (c) A record of significant contribution to quality assurance activities (e.g. being responsible for the implementation of maintenance of a quality assurance program)
- (d) Participation in institutional committees relevant to the profession such as drug, nursing/pharmacy, infection control or quality assurance committees.
- (e) Display judgment and demonstrate initiative and independence in problem solving.
- (f) Be able to demonstrate active participation in research, presentation and publication of research results in peer review journals

3. Salaries

Full-time Pharmacist employees shall be paid the salaries as set out in Table 1 of Part B - Monetary Rates, of this Award.

4. Conditions of Employment

The Health Employees Conditions of Employment (State) Award 2023 as varied or replaced from time to time, shall apply to all persons covered by this Award.

In addition, the Health Industry Status of Employment (State) Award 2023, as varied or replaced from time to time, shall also apply to relevant employees.

5. Dispute Resolution

The dispute resolution procedure contained in the Health Employees Conditions of Employment (State) Award 2023, as varied or replaced from time to time, shall apply.

6. Anti-Discrimination

- (i) It is the intention of the parties bound by this Award to seek to achieve the object in section 3(f) of the *Industrial Relations Act* 1996 to prevent and eliminate discrimination in the workplace. This includes discrimination on the grounds of race, sex, marital status, disability, homosexuality, transgender identity, age and responsibilities as a carer.
- (ii) It follows that in fulfilling their obligations under the dispute resolution procedure prescribed by this Award the parties have obligations to take all reasonable steps to ensure that the operation of the provisions of this Award are not directly or indirectly discriminatory in their effects. It will be consistent with the fulfilment of these obligations for the parties to make application to vary any provision of the Award which, by its terms or operation, has a direct or indirect discriminatory effect.

- (iii) Under the *Anti-Discrimination Act 1977*, it is unlawful to victimise an employee because the employee has made or may make or has been involved in a complaint of unlawful discrimination or harassment.
- (iv) Nothing in this clause is to be taken to affect:
 - (a) any conduct or act which is specifically exempted from anti-discrimination legislation;
 - (b) offering or providing junior rates of pay to persons under 21 years of age;
 - (c) any act or practice of a body established to propagate religion which is exempted under section 56(d) of the *Anti-Discrimination Act 1977*;
 - (d) a party to this Award from pursuing matters of unlawful discrimination in any State or Federal jurisdiction.
- (v) This clause does not create legal rights or obligations in addition to those imposed upon the parties by the legislation referred to in this clause.

NOTES -

- (a) Employers and employees may also be subject to Commonwealth anti-discrimination legislation.
- (b) Section 56(d) of the *Anti-Discrimination Act 1977* provides:

"Nothing in this Act affects ... any other act or practice of a body established to propagate religion that conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion."

7. No Extra Claims

Other than as provided for in the *Industrial Relations Act 1996* and the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (or its successor however described), there shall be no further claims/demands or proceedings instituted before the Industrial Relations Commission of New South Wales for extra or reduced wages, salaries, rates of pay, allowances or conditions of employment with respect to the employees covered by the Award that take effect prior to 30 June 2024 by a party to this Award.

8. Area, Incidence and Duration

- (i) This Award takes effect from 1 July 2023 and shall remain in force for a period of one year. The rates and allowances in the second column in Table 1 of Part B - Monetary Rates, will apply from the first full pay period on or after (ffppoa) 1 July 2023.
- (ii) This Award rescinds and replaces the Health Employees' Pharmacists (State) Award 2022 published 4 November 2022 (393 I.G. 94) and all variations thereof.
- (iii) This Award shall apply to persons employed in classifications contained herein employed in the New South Wales Health Service under section 115(1) of the *Health Services Act 1997*, or their successors, assignees or transmitters, excluding the County of Yancowinna.

PART B

MONETARY RATES

Table 1 - Salaries

In the period 1 July 2023 to the commencement of the first full pay period on or after 1 July 2023, the applicable rates of pay are those that applied immediately prior to the first full pay period on or after 1 July 2023.

| Classification | Rate from ffppoa 01/07/2023 Per week \$ |
|--|--|
| Graduate Pharmacist Unregistered | 1,408.17 |
| Pharmacist | |
| Grade 1 | |
| 1st Year | 1,490.86 |
| 2nd Year | 1,588.33 |
| 3rd Year | 1,693.28 |
| 4th Year | 1,881.14 |
| 5th Year | 1,939.67 |
| Grade 2 | |
| 1st Year | 2,081.47 |
| 2nd Year | 2,148.70 |
| 3rd Year | 2,206.72 |
| Grade 3 | |
| Senior Pharmacist | |
| Director of Pharmacy-Group 5 Hospital | |
| Deputy Director of Pharmacy-Group 3 Hospital | |
| 1st Year | 2,441.09 |
| 2nd Year | 2,507.14 |
| Grade 4 | |
| Director of Pharmacy - Group 4 Hospital | |
| Deputy Director of Pharmacy - Group 2 Hospital | |
| 1st Year | 2,507.14 |
| 2nd Year | 2,589.91 |
| Grade 5 | |
| Director of Pharmacy - Group 3 Hospital | |
| Deputy Director of Pharmacy - Group 1 Hospital | |
| 1st Year | 2,666.66 |
| 2nd Year | 2,732.03 |
| Grade 6 | |
| Director of Pharmacy - Group 2 Hospital | |
| 1st Year | 2,922.20 |
| 2nd Year | 2,993.44 |
| Grade 7 | |
| Director of Pharmacy - Group 1 Hospital | |
| Group A - 1st Year | 3,143.81 |
| Group A - 2nd Year | 3,218.45 |
| Group B - 1st Year | 3,292.10 |
| Group B - 2nd Year | 3,366.50 |

Table 2 - Allowances

| Allowance Description | Rate from ffppoa 01/07/2023 Per week \$ |
|------------------------------------|--|
| Fellowship Allowance (Pharmacists) | 47.54 |

N. CONSTANT, *Chief Commissioner*

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