

CROWN EMPLOYEES (RESEARCH SCIENTISTS) AWARD 2007

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Review of Award pursuant to Section 19 of the *Industrial Relations Act 1996*.

(No. IRC 572 of 2015)

Before Commissioner Stanton

17 November 2015

REVIEWED AWARD

Arrangement

PART A

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PART B

MONETARY RATES

Table 1 - Salaries

1. Title

This Award shall be known as the Crown Employees (Research Scientists) Award 2007.

2. Definitions

“Agency” means a Public Service Agency as listed in Schedule 1 of the *Government Sector Employment Act 2013*.

“Agency head” means a person who is the Secretary of a Department or the head of another Public Service agency listed in Schedule 1 of the *Government Sector Employment Act 2013*.

"Association" means the Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales

"Committee" means the Research Scientist Classification Committee convened by the Public Service Commissioner .

"Industrial Relations Secretary" means the person, within the meaning of the *Government Sector Employment Act 2013*, who is for the purposes of any proceedings relating to Public Service employees held before a

competent tribunal having jurisdiction to deal with industrial matters, taken to be the employer of Public Service employees.

"Employee" means all persons employed in an ongoing, term or temporary basis subject to Part 4 of the *Government Sector Employment Act 2013*.

"Guidelines" means the 'Research Scientist Classification Policy and Guidelines' issued from time to time by the Public Service Commissioner.

"Public Service Commissioner" is as defined in the *Government Sector Employment Act 2013*.

"Service" means continuous service worked within the classification as set out in this Award.

3. Classification as a Research Scientist

- (a) The Public Service Commissioner on recommendation of the Committee, approves the classification of public sector employees as Research Scientists under this Award.
- (b) The Committee makes recommendations regarding the entry to, continuation in, progression and regression in, and cessation from the levels within the Research Scientists classification, namely Research Scientist, Senior Research Scientist, Principal Research Scientist or Senior Principal Research Scientist.
- (c) The Committee makes these recommendations in accordance with the criteria contained in the Guidelines.

4. Salaries

- (a) The salary rates for the levels of Research Scientist, Senior Research Scientist, Principal Research Scientist and Senior Principal Research Scientist are set out in Table 1 of Part B, Monetary Rates, of this Award.
- (b) An employee temporarily employed under the provisions of Part 4 of the *Government Sector Employment Act 2013* is paid the weekly equivalent of the annual salary prescribed in Table 1 - Salaries.
- (c) The salaries of employees covered by this Award are adjusted to the appropriate rate prescribed by this Award on the basis of years of service. Employees are deemed to have the years of service indicated by the salary received under the scale in force immediately prior to the operative date of this Award.

5. Increments and Progression

- (a) In accordance with clause 14, Increments of Part 2, Government Sector Employment Regulation 2014, the payment of an increment is subject to the satisfactory conduct of, and the satisfactory performance of duties by, the employee as determined by the appropriate agency head.
- (b) Progression beyond efficiency barriers, and to the levels of Senior Research Scientist, Principal Research Scientist and to Senior Principal Research Scientist is approved by the Public Service Commissioner on recommendation by the Committee in accordance with the Guidelines.

6. Calculation of Service

In calculating years of service for the purpose of this Award, the following periods are not taken into account:

- (a) Any period in respect of which an increment is refused in accordance with clause 14, Increments, of Part 2, Government Sector Employment Regulation 2014.
- (b) Any leave of absence without pay exceeding five days in any incremental year;

- (c) Any period necessary to give full effect to a reduction in salary imposed under sections 68 and 69 of Part 5, of the *Government Sector Employment Act 2013*.

7. Anti-Discrimination

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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 the 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."

8. Grievance and Dispute Settling Procedures

- (a) All grievances and disputes relating to the provisions of this Award shall initially be dealt with as close to the source as possible, with graduated steps for further attempts at resolution at higher levels of authority within the appropriate agency, if required.
- (b) An employee is required to notify in writing their immediate manager as to the substance of the grievance, dispute or difficulty, request a meeting to discuss the matter and, if possible, state the remedy sought.
- (c) Where the grievance or dispute involves confidential or other sensitive material (including issues of harassment or discrimination under the *Anti-Discrimination Act 1977*) that makes it impractical for the employee to advise their immediate manager, the notification may occur to the next appropriate level of management, including, where required, to the agency head or Delegate.

- (d) The immediate manager, or other appropriate officer, shall convene a meeting in order to resolve the grievance, dispute or difficulty within two working days, or as soon as practicable, of the matter being brought to attention.
- (e) If the matter remains unresolved with the immediate manager, the employee may request to meet the appropriate person at the next level of management in order to resolve the matter. This manager shall respond within two working days, or as soon as practicable. The employee may pursue the sequence of reference to successive levels of management until the matter is referred to the agency head.
- (f) The agency head may refer the matter to the Industrial Relations Secretary, for consideration.
- (g) If the matter remains unresolved, the agency head shall provide a written response to the employee and any other party involved in the grievance, dispute or difficulty, concerning action to be taken, or the reason for not taking action, in relation to the matter.
- (h) An employee, at any stage, may request to be represented by the Association.
- (i) The employee or the Association on their behalf, or the agency head may refer the matter to the Industrial Relations Commission of New South Wales if the matter is unresolved following the use of these procedures.
- (j) The employee, Association, agency and Industrial Relations Secretary shall agree to be bound by any order or determination by the Industrial Relations Commission of New South Wales in relation to the dispute.
- (k) Whilst the procedures outlined in subclauses (a) to (k) of this clause are being followed, normal work undertaken prior to notification of the dispute or difficulty shall continue unless otherwise agreed between the parties, or, in the case involving occupational health and safety, if practicable, normal work shall proceed in a manner which avoids any risk to the health and safety of any employee or member of the public.

9. Relationship to Other Awards

Employees are entitled to the conditions of employment provided by this Award, the *Government Sector Employment Act 2013*, and the *Government Sector Employment Regulation 2014*. The provisions of the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009* and *Crown Employees (Public Sector - Salaries 2015) Award* or any replacement award, also apply to employees covered by this Award, except where specifically varied by this Award or some other award.

10. No Extra Claims

The no extra claims clause (clause 8) contained in the *Crown Employees (Public Sector – Salaries 2015) Award* shall apply to employees covered by this award.

11. Area, Incidence and Duration

- (a) This Award applies to employees defined in clause 2, Definitions.
- (b) The changes made to the award pursuant to the Award Review pursuant to section 19(6) of the *Industrial Relations Act 1996* and Principle 26 of the Principles for Review of Awards made by the Industrial Relations Commission of New South Wales on 28 April 1999 (310 I.G. 359) take effect on and from 17 November 2015.

Changes made to this award subsequent to it first being published on 6 July 2007 (362 I.G. 1076) have been incorporated into this award as part of the review.

The award remains in force until varied or rescinded, the period for which it was made having already expired.

PART B
MONETARY RATES

Table 1 - Salaries

Salaries for classifications covered by this Award are adjusted by the *Crown Employees (Public Sector – Salaries 2015) Award* (or its replacement) and are found in the salary tables attached to that award

	1.7.15 Per Annum \$
Classification levels	
Research Scientist -	
1st year of service	86,220
2nd year of service	90,646
3rd year of service	95,413
4th year of service	99,367
Efficiency Barrier	
5th year of service	104,200
6th year of service	108,429
7th year of service	112,713
Senior Research Scientist -	
1st year of service	114,913
2nd year of service	118,359
3rd year of service	122,002
Efficiency Barrier	
4th year of service	125,773
5th year of service	129,886
Principal Research Scientist -	
1st year of service	134,202
2nd year of service	137,271
3rd year of service	140,757
Senior Principal Research Scientist -	
1st year of service	150,904
2nd year of service	161,883
Efficiency Barrier	
3rd year of service	175,675

J. D. STANTON, Commissioner