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SERIAL C9715

HEALTH MANAGERS (STATE) AWARD 2023

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Application by NSW Ministry of Health.

(Case No. 213235 of 2023)

Before Chief Commissioner Constant

17 August 2023

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

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PART A**1. Definitions**

For the purpose of this Award -

"Employee" means a person performing duties as set out in the six-level classification structure in Table 2 - Classification Levels, of Part B, Monetary Rates.

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

"Health Service" means a Local Health District constituted under section 17 of the *Health Services Act 1997*, a Statutory Health Corporation constituted under section 41 of that Act, and an Affiliated Health Organisation recognised under section 62 of that Act and the Public Health System Support Division of the NSW Health Service, 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.

"Service" means service as an employee with the employer both before or after the commencement of this Award.

"Union" means the Health Services Union NSW.

"Weekly rates" will be ascertained by dividing an annual amount by 52.17857 or vice versa to obtain an annual rate from a weekly rate.

2. Salary Bands

- (i) Full-time Health Manager employees shall be paid the salaries as set out in Table 1 of Part B - Monetary Rates, of this Award.
- (ii) Persons who commence employment in accordance with one of the Work Level Statements will be allocated to the level described by the Work Level Statement and paid an initial salary equal to the minimum of the salary band for the relevant level, provided that a higher initial salary may be offered to an individual employee on merit.
- (iii) If a global salary movement to classifications covered by this Award causes an employee to exceed the upper limit of a salary band, the excess above such upper limits will be paid as a personal allowance.

3. Classification Levels

Employees shall be graded and perform the duties within a classification level as set out in Table 2 - Classification Levels, of Part B, Monetary Rates, and paid within the appropriate salary band as set out in Table 1 - Salaries, of the said Part B.

4. Removal Expenses

This Clause only applies to persons (other than casuals) employed under the Health Managers (State) Award 2022 as varied or replaced from time to time. Any person employed under the Health Managers (State) Award 2022 as varied or replaced from time to time, shall be entitled to a refund of the actual cost incurred by them in the transportation of themselves and their family and of the expenses reasonably incurred by them in conveying their furniture and effects from their last place of residence to the city or town in which is situated the Public Health Organisation to which they are appointed on the following conditions:

- (i) They shall, immediately prior to taking up the new appointment, have had 12 months' continuous service in another Public Health Organisation situated other than in the town or city in which is situated the Public Health Organisation to which they have been appointed.
- (ii) They shall not have received from any Public Health Organisation a refund under this clause within a period of two years prior to them taking up their appointment.
- (iii) They shall give an undertaking that they will refund to the Public Health Organisation any payments made to them by it under this clause should they leave its employment within 12 months of them becoming employed by it.

5. Conditions of Service

The Health Employees Conditions of Employment (State) Award 2022 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 2022 as varied or replaced from time to time, shall also apply to relevant employees.

6. Dispute Resolution

The dispute resolution procedures contained in the said Health Employees Conditions of Employment (State) Award 2022, as varied or replaced from time to time, shall apply.

7. 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."

8. 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.

9. 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 in the third and fourth columns 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 Managers (State) Award 2022 as published on 4 November 2022 (393 I.G. 112) 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 Minimum Per annum \$	Rate from ffppoa 01/07/2023 Maximum Per annum \$
Level 1	81,581	108,532
Level 2	106,142	125,241
Level 3	122,850	139,559
Level 4	137,173	163,431
Level 5	161,042	180,143
Level 6	176,401	192,662

Table 2 - Classification Levels

Level	Title	Description of Work	Skills and Attributes
One	Health Manager	<ul style="list-style-type: none"> • Responsible for managing hospitals and other facilities that provide basic routine and emergency health care for customers which may include multiple sites and services; or • Responsible for providing support services for the management of hospitals and other larger facilities which may include multiple services and sites; or • Responsible for providing support for the management of human resources and/or financial and/or administrative and/or hotel and/or clinical services for hospitals which provide a wide range of specialised services for customers and/or Health Services. <p>Staff at this level are accountable for ensuring funds are expended according to approved budgets and for ensuring targets are met.</p> <p>Staff are responsible to provide regular feedback and appraisal regarding the performance of staff.</p> <p>Staff are responsible for maintaining effective relationships with Health Service to ensure Health System's priorities are met.</p>	<p>Management:</p> <ul style="list-style-type: none"> • Understanding and commitment to the Health Systems priorities; • Capacity to direct all operational facets based on strategic and business plans; • Ability to ensure budget targets are met. • Capacity to undertake performance appraisal of staff and ability to develop performance measures. • Effective communication and interpersonal skills. <p>Support:</p> <ul style="list-style-type: none"> • Assist with the development and implementation of policies, procedures, standards and practices. • Able to meet pre-determined targets and deadlines. • Ability to be flexible and adapt work practices to suit circumstances.
		Staff at this level assist with the development and implementation of policies, procedures, standards and practices for the hospital or Health Service.	

		Staff are responsible and accountable for providing a professional level of services to the Hospital(s) or Health Service or oversee the management of aspects of services and the staff.	
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Level	Title	Description of Work	Skills and Attributes
Two	Health Manager	<p>Jobs at this level have greater responsibilities than those at Level One and are:</p> <ul style="list-style-type: none"> • Responsible for managing hospitals and larger facilities that provide a wide range of health care services with some sub-speciality services for customers which may include multiple services and sites; or • Responsible for providing support services for the management of large hospitals which include multiple services and sites; or • Responsible for providing support and in some cases managing human resource and/or financial and/or administrative and/or hotel and/or clinical services for hospitals which provide a wide range of specialised services for customers and/or Health Services. <p>Staff at this level are accountable for allocation and/or expenditure or resources and ensuring targets are met. Staff are responsible for ensuring optimal budget outcomes for their customers and communities.</p> <p>Staff are responsible for providing regular feedback and appraisals for senior staff to improve health outcomes for customers and for maintaining a performance management system.</p> <p>Staff are responsible for providing support for the efficient, cost effective and timely delivery of services.</p>	<p>The skills and attributes at this level are greater than those at Level One and include:</p> <p>Management:</p> <ul style="list-style-type: none"> • High level of leadership; communication and Interpersonal skills. • Capacity to exercise creative and entrepreneurial solutions to improve productivity and effectiveness for customers. • Proven negotiation and delegation skills. • Ability to motivate and co-ordinate staff. <p>Support:</p> <ul style="list-style-type: none"> • Ability to provide input, interpret, monitor and evaluate policies, procedures and standards for customers. • Capacity to design strategic and business objectives. • Ability to develop performance measures.

Level	Title	Description of Work	Skills and Attributes
Three	Health Manager	<p>Jobs at this level have greater responsibilities than those at Level Two and are:</p> <ul style="list-style-type: none"> • Responsible for managing hospitals which provide a wide range of health care services with some specialities which include multiple sites and services; or 	<p>The skills and attributes at this level are greater than those at Level Two and include:</p> <p>Management:</p> <ul style="list-style-type: none"> • Excellent leadership, communication and Interpersonal skills. • Highly developed and effective management skills.

	<ul style="list-style-type: none"> • Responsible for providing support services for the management of large complex hospitals or groups of hospitals; or • Responsible for management and in some cases support in human resources and/or financial and/or administrative and/or clinical services in tertiary teaching hospitals and/or Health Services. <p>Staff at this level are responsible for reviewing senior staff performances through regular appraisal to improve health outcomes for patients and for maintaining a performance management system.</p> <p>Staff are responsible to maintain effective relationships and communication with Area Health Service to ensure that corporate goals and priorities of the Health System are met.</p> <p>Staff are responsible to maintain effective relationships and communication with Health Services to ensure that corporate goals and priorities of the Health System are met.</p> <p>Staff at this level are responsible for providing timely delivery of services and are accountable to the appropriate Executive.</p> <p>Staff are responsible for contributing to the development and implementation of business plans.</p> <p>Staff at this level are required to make judgements and may in some cases, be delegated responsibility to approve changes in standard practice and procedures.</p>	<ul style="list-style-type: none"> • Ability to develop, monitor and reach predicted outcomes to strategic and business plans. • Highly developed and effective negotiation and delegation skills. • Proven capacity to manage multi-disciplinary groups. <p>Support:</p> <ul style="list-style-type: none"> • Ability to make judgements and have sole delegated responsibility to approve changes in standards, practices, policies and procedures. • Highly developed negotiation and delegations' skills.
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Level	Title	Description of Work	Skills and attributes
Four	Health Manager	<p>Jobs at this level have greater responsibilities than those at Level Three, are accountable through performance agreements and are:</p> <ul style="list-style-type: none"> • Responsible for managing hospitals which provide a wide range of Specialist services for customers which include multiple sites and services; or • Responsible for management of human resource and/or financial and/or 	<p>The skills and attributes at this level are greater than those at Level Three and include:</p> <ul style="list-style-type: none"> • System-wide view of health care provision and management to improve health outcomes for customers. • Excellent strategic planning and policy development skills. • Proven management expertise at a

		administrative and/or clinical services in Health Services.	senior level.
		<p>Staff are responsible for ensuring optimal health outcomes within budget for their customers and communities.</p> <p>Staff are accountable for allocating resources and ensuring budgets are effectively met. Staff are responsible for developing appropriate strategies to manage budget changes in a timely manner.</p> <p>Staff at this level are required to make complex judgements and make appropriate changes in standard practices, policies and procedures.</p> <p>Staff at this level are expected to develop/implement strategic business plans and ensure budgets are allocated and targets met.</p>	<ul style="list-style-type: none"> • Competent to make complex judgements and take initiatives through delegated responsibilities.

HEALTH MANAGER LEVEL 5

Grading Characteristics, Skills and Attributes

(a) Authority & Accountability

Freedom to operate within delegated authority, performance agreement, and Health Service policy

Recommend service priorities

Exercise judgement within delegations

Formulate policy and deliver programs in line with performance agreement

Involvement in the development of long-term strategies

Report directly to a member of the area executive

Budget management and responsibility for significant budget amount

or

Management of complex area service or unit, requiring specialist advice and input

Adherence to the Accounts and Audit and Determination for Health Services and all Statutory Requirements

(b) Judgement & Problem-Solving

Exercise judgement and problem solving in service policy areas (e.g. Mental Health, HR)

Frequent resolution of unusual and complex problems

Develop business strategies and business plans

Develop ideas, optional action plans, courses of action

- Anticipate and resolve problems in a challenging and dynamic environment
- Seek advice when there is no existing policy or precedent
- Use of evidence-based decision-making to back up decisions
- Sound ability to solve problems using innovative, creative solutions
- High level of technical expertise
- Provision of high level of expert advice and sound judgement
- Independent decision-making; exercising independent judgement
- Has a sound understanding of political and cross-Health Service issues and how they impact on the organisation
- Actively develop strategic partnerships
- (c) Leadership & Management Skills
 - Provide leadership, management and direction
 - Actively contributes to shaping the organisation's strategic plan
 - Ensures that the strategic plan is outcome-focussed, takes into account the short and long-term priorities, and is achievable
 - Actively monitors progress towards the achievement of the strategic vision
 - Achieve set objectives
 - Resolve conflict
 - Address and prioritise competing demands
 - Lead and manage organisation change on a health service(s)-wide basis
 - Build appropriate organisation values and culture
 - Anticipate problems and develop contingency strategies to meet complex situations
 - Applies intellectual rigour to all aspects of their work
- (d) Personal & Interpersonal Skills
 - Provide specialist advice
 - Lead persuade, motivate and negotiate at senior levels
 - Ability to deal with people at all levels
 - Communicate and liaise effectively at all levels within the organisation
 - Spokesperson for area of responsibility (media, public)
 - Effective community liaison and communication

Effectively self-manages

Innovative & lateral thinker

Flexible & responsive

Supports a reflective learning/quality culture that enables both individuals and the organisation to develop

Articulates and promotes the organisation's vision and goals

Promotes an environment in which traditional ways of thinking are challenged and debate is encouraged

Provides effective role-modelling

Celebrates achievements and encourages innovation

(e) Outcomes & Performance

Formal personal agreement with CEO, Deputy CEO or Service Director / General Manager (KRAs)

Significant impact on service/hospital achievements and targets

Formal performance agreements with direct reports

Achievement of best practice

Monitoring and compliance with all professional standards

Responsible for health service(s)-wide service delivery

HEALTH MANAGER LEVEL 6

Grading Characteristics, Skills and Attributes

(a) Authority & Accountability

Able to make decisions assessing the 'measured risk'

Scope to use resources to reallocate resources to meet changing business needs prioritisation

Exercise judgement - in broad context

Accountable for policy and delivery of programs

Authorised to commit Health Service to course of action

Develop long-term strategies

Report directly to CEO or Deputy CEO, or Director Health Service Operations

Budget management and responsibility for a very significant and complex budget, or

Responsibility for a complex inter/intra area health service unit

Adherence to the Accounts and Audit Determination for Health Services and all

Statutory Requirements

(b) Judgement & Problem-Solving

Develop organisation-wide strategic policy direction (e.g. Mental Health, HR)

Manage the resolution of unusual and complex systemic problems

Define business and strategic plans based upon current and future directions

Develop ideas and define action plans and courses of action

Resolve problems in a challenging and dynamic environment

Use of evidence-based decision-making to back up decisions

Demonstrated ability to anticipate and solve problems using innovative and creative solutions

High level of technical expertise

Highly regarded as an authority and provider of sound advice

High level independent decision-making

Has a sound understanding of political and cross-Health Service issues and how they impact on the organisation

Actively develops strategic partnerships

(c) Leadership & Management

Provide leadership, management and direction

Actively contributes to shaping the organisation's strategic plan

Ensures that the strategic plan is outcome-focussed, takes into account the short and long-term priorities, and is achievable

Actively monitors progress towards achievement of the strategic vision

Achieve objectives

Resolve conflict

Address and prioritise competing demands

Lead and manage complex organisational change on an inter/intra health service(s)-wide basis

Build appropriate organisation values and culture

Anticipate problems, consider and analyse highly complex issues, develop and implement contingency strategies

Ability to sell and successfully implement difficult decisions

Applies intellectual rigour to all aspects of their work

(d) Personal & Interpersonal Skills

Provide expert advice

Lead, persuade, motivate, negotiate at senior levels

- Ability to deal with people at all levels
- Spokesperson for area of responsibility (media, public)
- Effective communication and community liaison
- Effectively self-manages
- Innovative and lateral thinker
- Flexible and responsive
- Supports a reflective learning/quality culture that enables both individuals and the organisation to develop
- Articulates and promotes the organisation's vision and goals
- Promotes an environment in which traditional ways of thinking are challenged and debate is encouraged
- Provides effective role-modelling
- Celebrates achievements and encourages innovation
- (e) Outcomes & Performance
 - Formal performance agreement with the CEO (KRAs)
 - Achievement of overall organisation targets; budget / service delivery / quality programs
 - Formal performance agreements with direct reports
 - Achievement of best practice
 - Monitoring and compliance with all professional standards
 - Responsibility for Health Service(s)-wide and intra Health Service delivery

N. CONSTANT, *Chief Commissioner*

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