

(AMENDED) DRAFT DETERMINATION

Fair Work Act 2009
Part 2-3, Div 4 – 4 Yearly reviews of modern awards

Rail Industry Award 2010
(ODN AM2014/87) MA000015

VICE PRESIDENT HATCHER
SENIOR DEPUTY PRESIDENT HARRISON
SENIOR DEPUTY PRESIDENT HAMBERGER
COMMISSIONER ROE
COMMISSIONER BULL

SYDNEY, XX YYY 2016

Review of modern awards to be conducted.

- [1] Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Rail Industry Award 2010* be varied as follows:
- [2] By inserting sub clause 6.4(f):
- 6.4 Casual employees**
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- (f) For the purposes of calculating overtime and weekend work for casual employees the following shall apply:
- (i) Where the relevant penalty rate is time and a half, the employee must be paid 175% of the ordinary time hourly rate
 - (ii) Where the relevant penalty rate is double time, the employee must be paid 225% of the ordinary hourly rate
 - (iii) On a public holiday the casual employee will be paid 275% of the ordinary hourly rate
- [3] By inserting a new sub clause 14(d):

14.1 Definition of overtime

.....

(d) For a casual employee, hours worked in excess of the employee's ordinary hours will be paid at the rate stipulated in clause 6.4(c) multiplied by the relevant overtime rate included at clause 14.3.

[4] By amending subclause 6.4(e):

6.4 Casual employees

....

(e) The casual loading is paid instead of annual leave, paid personal/carer's leave, notice of termination, redundancy benefits, sick leave and paid community service leave

[5] The determination shall operate on and from XX YYY 2016.

VICE PRESIDENT