

From: Minna Davis <mdavis@rtbu.org.au>
Sent: Thursday, 18 August 2022 4:28 PM
To: AMOD <AMOD@fwc.gov.au>
Subject: C2019/5259 Review of certain C14 rates in modern awards

Good Afternoon,

I refer to the above matter

Please see attached Outline of Position from the Australian Rail, Tram and Bus Industry Union

Kind regards

Minna Davis



Minna Davis Industrial Officer

Rail, Tram & Bus Union **The Power of Union**

Office Lvl 2, Trades Hall, 4-10 Goulburn Street, Sydney NSW 2000

Phone (02) 8203 6099

Email mdavis@rtbu.org.au **Website** www.rtbu.org.au



RTBU

IN THE FAIR WORK COMMISSION
Matter No: C2019/5259
Review of certain C14 rates in modern awards

AUSTRALIAN RAIL TRAM AND BUS INDUSTRY'S OUTLINE OF POSITION

1. On 27 July 2022 the Fair Work Commission (**FWC**) issued a statement confirming its intention to refer a review into certain C14 rates in modern awards to the Full Bench pursuant to s 157 of the *Fair Work Act 2009* (**the FW Act**).
2. The Australian Rail, Tram and Bus Industry Union (RTBU) have an interest in the *Rail Industry Award 2020*
3. In Directions issued by Commissioner Hampton on 29 July 2022, interested parties were directed to file a written outline of their position by 5pm on 18 August 2022.
4. The Level 1 Operations classification in the *Rail Industry Award 2020* is equivalent to C14 and reads as follows.

Operations Classification Level 1

Employees at this level undertake and successfully complete standard induction training and will be required to:

- *Be responsible for personal safety and use the protective equipment provided to perform work safely.*
- *Undertake a range of functions with a basic knowledge of policies, procedures and guidelines using a sound level of skill to perform the functions.*
- *Perform routine customer service, presentation and operations duties requiring minimal judgment.*
- *Undertake tasks with direct supervision and guidance*

Rail, Tram & Bus Union Australia **The Power of Union**

Office: Level 2, Trades Hall, 4-10 Goulburn Street, Sydney NSW 2000
Phone: 02 8203 6099 **Fax:** 02 9319 2096



RTBU

5. The above classification appears intended to only apply where an employee is undertaking basic competency training. Although there is no fixed outer limit on the duration that an employee can remain at this classification.
6. The RTBU submits that modern awards which contain a C14 classification with no outer limit of operations do not represent a safe and relevant safety net for those employees. The effect of not having a pathway for transition clearly identified within the award, is that employees at the C14 rate could be left there for considerable periods of time, which defeats the 'stepping stone' effect.
7. For the reasons above the RTBU supports a review of this classification

Minna Davis

Industrial Officer

Australian Rail, Tram and Bus Industry Union

18 August 2022

Rail, Tram & Bus Union Australia **The Power of Union**

Office: Level 2, Trades Hall, 4-10 Goulburn Street, Sydney NSW 2000

Phone: 02 8203 6099 **Fax:** 02 9319 2096