



DRAFT DETERMINATION

Fair Work Act 2009
s.285—Annual wage review

Annual Wage Review 2020–21
(C2021/1)

RAIL INDUSTRY AWARD 2020
[MA000015]

Rail industry

JUSTICE ROSS, PRESIDENT
VICE PRESIDENT CATANZARITI
DEPUTY PRESIDENT ASBURY
COMMISSIONER HAMPTON
MR FERGUSON
PROFESSOR WOODEN
MS LABINE-ROMAIN

MELBOURNE, XX JUNE 2021

Annual Wage Review 2020–21.

A. Further to the decision issued by the Expert Panel in the Annual Wage Review 2020–21 on 16 June 2021 [[2021] FWCFB 3500], the above award is varied as follows:

- By deleting the table appearing in clause 15.1(a) and inserting the following:

| Classification | Annual salary equivalent¹ (full-time employee) | Minimum weekly rate (full-time employee) | Minimum hourly rate |
|---------------------------|--|---|----------------------------|
| | \$ | \$ | \$ |
| Level 1 Rail Worker (CAP) | 42,490 | 814.50 | 21.43 |
| Level 2 Rail Worker (CAP) | 46,027 | 882.30 | 23.22 |
| Level 3 Rail Worker (CAP) | 47,795 | 916.20 | 24.11 |
| Level 4 Rail Worker (CAP) | 49,913 | 956.80 | 25.18 |
| Level 5 Rail Worker (CAP) | 54,159 | 1038.20 | 27.32 |
| Level 6 Rail Worker (CAP) | 58,051 | 1112.80 | 29.28 |
| Level 7 Rail Worker (CAP) | 61,588 | 1180.60 | 31.07 |

| Classification | Annual salary equivalent¹ (full-time employee) | Minimum weekly rate (full-time employee) | Minimum hourly rate |
|---------------------------|--|---|----------------------------|
| | \$ | \$ | \$ |
| Level 8 Rail Worker (CAP) | 69,361 | 1329.60 | 34.99 |
| Level 9 Rail Worker (CAP) | 83,154 | 1594.00 | 41.95 |

2. By deleting the table appearing in clause 15.1(b) and inserting the following:

| Classification | Annual salary equivalent¹ (full-time employee) | Minimum weekly rate (full-time employee) | Minimum hourly rate |
|--------------------------|--|---|----------------------------|
| | \$ | \$ | \$ |
| Level 1 Rail Worker (Op) | 40,304 | 772.60 | 20.33 |
| Level 2 Rail Worker (Op) | 42,850 | 821.40 | 21.62 |
| Level 3 Rail Worker (Op) | 47,451 | 909.60 | 23.94 |
| Level 4 Rail Worker (Op) | 52,047 | 997.70 | 26.26 |
| Level 5 Rail Worker (Op) | 56,992 | 1092.50 | 28.75 |
| Level 6 Rail Worker (Op) | 60,925 | 1167.90 | 30.73 |

3. By deleting the table appearing in clause 15.1(c) and inserting the following:

| Classification | Annual salary equivalent¹ (full-time employee) | Minimum weekly rate (full-time employee) | Minimum hourly rate |
|---------------------------|--|---|----------------------------|
| | \$ | \$ | \$ |
| Level 1 Rail Worker (TCI) | 41,441 | 794.40 | 20.91 |
| Level 2 Rail Worker (TCI) | 43,043 | 825.10 | 21.71 |
| Level 3 Rail Worker (TCI) | 44,524 | 853.50 | 22.46 |
| Level 4 Rail Worker (TCI) | 46,924 | 899.50 | 23.67 |
| Level 5 Rail Worker (TCI) | 49,011 | 939.50 | 24.72 |
| Level 6 Rail Worker (TCI) | 51,191 | 981.30 | 25.82 |
| Level 7 Rail Worker (TCI) | 55,229 | 1058.70 | 27.86 |

4. By deleting the words “1 November 2020” in clause 15.7(b) and inserting “1 July 2021”.

5. By deleting the amount “\$16.67” appearing in clause 18.2(a) and inserting “\$17.09”.
6. By deleting the amounts “\$11.41” and “\$28.61” appearing in clause 18.2(b)(i) and inserting “\$11.69” and “\$29.33” respectively.
7. By deleting the amount “\$0.67” appearing in clause 18.3(d)(i) and inserting “\$0.69”.
8. By deleting the amount “\$0.88” appearing in clause 18.3(e) and inserting “\$0.90”.
9. By deleting the amount “\$0.67” appearing in clause 18.3(f) and inserting “\$0.69”.
10. By deleting the amount “\$0.48” appearing in clause 18.3(g) and inserting “\$0.50”.
11. By deleting the amount “\$0.88” appearing in clause 18.3(h) and inserting “\$0.90”.
12. By deleting the amounts “\$1.73” and “\$0.23” appearing in clause 18.3(i) and inserting “\$1.78” and “\$0.23” respectively.
13. By deleting the amount “\$0.51” appearing in clause 18.3(j)(i) and inserting “\$0.52”.
14. By deleting the amount “\$3.06” appearing in clause 21.2(a) and inserting “\$3.13”.
15. By deleting the amount “\$3.63” appearing in clause 21.2(b) and inserting “\$3.72”.
16. By deleting the amount “\$6.89” appearing in clause 21.2(c) and inserting “\$7.07”.
17. By deleting the table appearing in clause B.1.3 and inserting the following:

| | Ordinary hours | Early morning/afternoon | Night | Permanent night | Saturday | Sunday | Public holiday |
|---------------------------|--|--------------------------------|----------------------|------------------------|-----------------|---------------|-----------------------|
| | % of ordinary hourly rate¹ | | | | | | |
| | 100% | 100% + \$3.13 | 100% + \$3.72 | 100% + \$7.07 | 150% | 200% | 250% |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Level 1 Rail Worker (CAP) | 21.43 | 24.56 | 25.15 | 28.50 | 32.15 | 42.86 | 53.58 |
| Level 2 Rail Worker (CAP) | 23.22 | 26.35 | 26.94 | 30.29 | 34.83 | 46.44 | 58.05 |
| Level 3 Rail Worker (CAP) | 24.11 | 27.24 | 27.83 | 31.18 | 36.17 | 48.22 | 60.28 |
| Level 4 Rail Worker (CAP) | 25.18 | 28.31 | 28.90 | 32.25 | 37.77 | 50.36 | 62.95 |
| Level 5 Rail Worker (CAP) | 27.32 | 30.45 | 31.04 | 34.39 | 40.98 | 54.64 | 68.30 |
| Level 6 Rail Worker (CAP) | 29.28 | 32.41 | 33.00 | 36.35 | 43.92 | 58.56 | 73.20 |

| | Ordinary hours | Early morning/afternoon | Night | Permanent night | Saturday | Sunday | Public holiday |
|---------------------------|--|--------------------------------|----------------------|------------------------|-----------------|---------------|-----------------------|
| | % of ordinary hourly rate¹ | | | | | | |
| | 100% | 100% + \$3.13 | 100% + \$3.72 | 100% + \$7.07 | 150% | 200% | 250% |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Level 7 Rail Worker (CAP) | 31.07 | 34.20 | 34.79 | 38.14 | 46.61 | 62.14 | 77.68 |
| Level 8 Rail Worker (CAP) | 34.99 | 38.12 | 38.71 | 42.06 | 52.49 | 69.98 | 87.48 |
| Level 9 Rail Worker (CAP) | 41.95 | 45.08 | 45.67 | 49.02 | 62.93 | 83.90 | 104.88 |

18. By deleting the table appearing in clause B.1.4 and inserting the following:

| | Weekday – first 3 hours | Weekday – after 3 hours | Saturday – all day | Sunday – all day | Public holiday – all day |
|--|--|--------------------------------|---------------------------|-------------------------|---------------------------------|
| | % of ordinary hourly rate¹ | | | | |
| | 150% | 200% | 150% | 200% | 250% |
| | \$ | \$ | \$ | \$ | \$ |
| Level 1 Rail Worker (CAP) | 32.15 | 42.86 | 32.15 | 42.86 | 53.58 |
| Level 2 Rail Worker (CAP) | 34.83 | 46.44 | 34.83 | 46.44 | 58.05 |
| Level 3 Rail Worker (CAP) | 36.17 | 48.22 | 36.17 | 48.22 | 60.28 |
| Level 4 Rail Worker (CAP) | 37.77 | 50.36 | 37.77 | 50.36 | 62.95 |
| Level 5 Rail Worker (CAP) | 40.98 | 54.64 | 40.98 | 54.64 | 68.30 |
| Level 6 Rail Worker (CAP) | 43.92 | 58.56 | 43.92 | 58.56 | 73.20 |
| Level 7 Rail Worker (CAP) ² | – | – | – | – | – |
| Level 8 Rail Worker (CAP) ² | – | – | – | – | – |
| Level 9 Rail Worker (CAP) ² | – | – | – | – | – |

19. By deleting the table appearing in clause B.1.5 and inserting the following:

| | Ordinary hours | Early morning/afternoon | Night | Permanent night | Saturday | Sunday | Public holiday |
|---------------------------|--|--------------------------------|----------------------|------------------------|-----------------|---------------|-----------------------|
| | % of ordinary hourly rate¹ | | | | | | |
| | 100% | 100% + \$3.13 | 100% + \$3.72 | 100% + \$7.07 | 150% | 200% | 250% |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Level 1 Rail Worker (TCI) | 20.91 | 24.04 | 24.63 | 27.98 | 31.37 | 41.82 | 52.28 |
| Level 2 Rail Worker (TCI) | 21.71 | 24.84 | 25.43 | 28.78 | 32.57 | 43.42 | 54.28 |
| Level 3 Rail Worker (TCI) | 22.46 | 25.59 | 26.18 | 29.53 | 33.69 | 44.92 | 56.15 |
| Level 4 Rail Worker (TCI) | 23.67 | 26.80 | 27.39 | 30.74 | 35.51 | 47.34 | 59.18 |
| Level 5 Rail Worker (TCI) | 24.72 | 27.85 | 28.44 | 31.79 | 37.08 | 49.44 | 61.80 |
| Level 6 Rail Worker (TCI) | 25.82 | 28.95 | 29.54 | 32.89 | 38.73 | 51.64 | 64.55 |
| Level 7 Rail Worker (TCI) | 27.86 | 30.99 | 31.58 | 34.93 | 41.79 | 55.72 | 69.65 |

20. By deleting the table appearing in clause B.1.6 and inserting the following:

| | Weekday – first 3 hours | Weekday – after 3 hours | Saturday – all day | Sunday – all day | Public holiday – all day |
|---------------------------|--|--------------------------------|---------------------------|-------------------------|---------------------------------|
| | % of ordinary hourly rate¹ | | | | |
| | 150% | 200% | 150% | 200% | 250% |
| | \$ | \$ | \$ | \$ | \$ |
| Level 1 Rail Worker (TCI) | 31.37 | 41.82 | 31.37 | 41.82 | 52.28 |
| Level 2 Rail Worker (TCI) | 32.57 | 43.42 | 32.57 | 43.42 | 54.28 |
| Level 3 Rail Worker (TCI) | 33.69 | 44.92 | 33.69 | 44.92 | 56.15 |
| Level 4 Rail Worker (TCI) | 35.51 | 47.34 | 35.51 | 47.34 | 59.18 |
| Level 5 Rail Worker (TCI) | 37.08 | 49.44 | 37.08 | 49.44 | 61.80 |
| Level 6 Rail Worker (TCI) | 38.73 | 51.64 | 38.73 | 51.64 | 64.55 |
| Level 7 Rail Worker (TCI) | 41.79 | 55.72 | 41.79 | 55.72 | 69.65 |

21. By deleting the table appearing in clause B.1.7 and inserting the following:

| | Ordinary hours | Early morning/afternoon | Night | Permanent night | Saturday | Sunday | Public holiday |
|--------------------------|--|--------------------------------|----------------------|------------------------|-----------------|---------------|-----------------------|
| | % of ordinary hourly rate¹ | | | | | | |
| | 100% | 100% + \$3.13 | 100% + \$3.72 | 100% + \$7.07 | 150% | 200% | 250% |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Level 1 Rail Worker (Op) | 20.33 | 23.46 | 24.05 | 27.40 | 30.50 | 40.66 | 50.83 |
| Level 2 Rail Worker (Op) | 21.62 | 24.75 | 25.34 | 28.69 | 32.43 | 43.24 | 54.05 |
| Level 3 Rail Worker (Op) | 23.94 | 27.07 | 27.66 | 31.01 | 35.91 | 47.88 | 59.85 |
| Level 4 Rail Worker (Op) | 26.26 | 29.39 | 29.98 | 33.33 | 39.39 | 52.52 | 65.65 |
| Level 5 Rail Worker (Op) | 28.75 | 31.88 | 32.47 | 35.82 | 43.13 | 57.50 | 71.88 |
| Level 6 Rail Worker (Op) | 30.73 | 33.86 | 34.45 | 37.80 | 46.10 | 61.46 | 76.83 |

22. By deleting the table appearing in clause B.1.8 and inserting the following:

| | Weekday – first 3 hours | Weekday – after 3 hours | Saturday – all day | Sunday – all day | Public holiday – all day |
|--------------------------|--|--------------------------------|---------------------------|-------------------------|---------------------------------|
| | % of ordinary hourly rate¹ | | | | |
| | 150% | 200% | 150% | 200% | 250% |
| | \$ | \$ | \$ | \$ | \$ |
| Level 1 Rail Worker (Op) | 30.50 | 40.66 | 30.50 | 40.66 | 50.83 |
| Level 2 Rail Worker (Op) | 32.43 | 43.24 | 32.43 | 43.24 | 54.05 |
| Level 3 Rail Worker (Op) | 35.91 | 47.88 | 35.91 | 47.88 | 59.85 |
| Level 4 Rail Worker (Op) | 39.39 | 52.52 | 39.39 | 52.52 | 65.65 |
| Level 5 Rail Worker (Op) | 43.13 | 57.50 | 43.13 | 57.50 | 71.88 |
| Level 6 Rail Worker (Op) | 46.10 | 61.46 | 46.10 | 61.46 | 76.83 |

23. By deleting the table appearing in clause B.2.1 and inserting the following:

| | Ordinary hours | Early morning/afternoon | Night | Permanent night | Saturday | Sunday | Public holiday |
|---------------------------|--|--------------------------------|----------------------|------------------------|-----------------|---------------|-----------------------|
| | % of ordinary hourly rate¹ | | | | | | |
| | 125% | 125% + \$3.13 | 125% + \$3.72 | 125% + \$7.07 | 175% | 225% | 275% |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Level 1 Rail Worker (CAP) | 26.79 | 29.92 | 30.51 | 33.86 | 37.50 | 48.22 | 58.93 |
| Level 2 Rail Worker (CAP) | 29.03 | 32.16 | 32.75 | 36.10 | 40.64 | 52.25 | 63.86 |
| Level 3 Rail Worker (CAP) | 30.14 | 33.27 | 33.86 | 37.21 | 42.19 | 54.25 | 66.30 |
| Level 4 Rail Worker (CAP) | 31.48 | 34.61 | 35.20 | 38.55 | 44.07 | 56.66 | 69.25 |
| Level 5 Rail Worker (CAP) | 34.15 | 37.28 | 37.87 | 41.22 | 47.81 | 61.47 | 75.13 |
| Level 6 Rail Worker (CAP) | 36.60 | 39.73 | 40.32 | 43.67 | 51.24 | 65.88 | 80.52 |
| Level 7 Rail Worker (CAP) | 38.84 | 41.97 | 42.56 | 45.91 | 54.37 | 69.91 | 85.44 |
| Level 8 Rail Worker (CAP) | 43.74 | 46.87 | 47.46 | 50.81 | 61.23 | 78.73 | 96.22 |
| Level 9 Rail Worker (CAP) | 52.44 | 55.57 | 56.16 | 59.51 | 73.41 | 94.39 | 115.36 |

24. By deleting the table appearing in clause B.2.2 and inserting the following:

| | Ordinary hours | Early morning/afternoon | Night | Permanent night | Saturday | Sunday | Public holiday |
|---------------------------|--|--------------------------------|----------------------|------------------------|-----------------|---------------|-----------------------|
| | % of ordinary hourly rate¹ | | | | | | |
| | 125% | 125% + \$3.13 | 125% + \$3.72 | 125% + \$7.07 | 175% | 225% | 275% |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Level 1 Rail Worker (TCI) | 26.14 | 29.27 | 29.86 | 33.21 | 36.59 | 47.05 | 57.50 |
| Level 2 Rail Worker (TCI) | 27.14 | 30.27 | 30.86 | 34.21 | 37.99 | 48.85 | 59.70 |
| Level 3 Rail Worker (TCI) | 28.08 | 31.21 | 31.80 | 35.15 | 39.31 | 50.54 | 61.77 |
| Level 4 Rail Worker (TCI) | 29.59 | 32.72 | 33.31 | 36.66 | 41.42 | 53.26 | 65.09 |

| | Ordinary hours | Early morning/afternoon | Night | Permanent night | Saturday | Sunday | Public holiday |
|---------------------------|--|--------------------------------|----------------------|------------------------|-----------------|---------------|-----------------------|
| | % of ordinary hourly rate¹ | | | | | | |
| | 125% | 125% + \$3.13 | 125% + \$3.72 | 125% + \$7.07 | 175% | 225% | 275% |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Level 5 Rail Worker (TCI) | 30.90 | 34.03 | 34.62 | 37.97 | 43.26 | 55.62 | 67.98 |
| Level 6 Rail Worker (TCI) | 32.28 | 35.41 | 36.00 | 39.35 | 45.19 | 58.10 | 71.01 |
| Level 7 Rail Worker (TCI) | 34.83 | 37.96 | 38.55 | 41.90 | 48.76 | 62.69 | 76.62 |

25. By deleting the table appearing in clause B.2.3 and inserting the following:

| | Ordinary hours | Early morning/afternoon | Night | Permanent night | Saturday | Sunday | Public holiday |
|--------------------------|--|--------------------------------|----------------------|------------------------|-----------------|---------------|-----------------------|
| | % of ordinary hourly rate¹ | | | | | | |
| | 125% | 125% + \$3.13 | 125% + \$3.72 | 125% + \$7.07 | 175% | 225% | 275% |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Level 1 Rail Worker (Op) | 25.41 | 28.54 | 29.13 | 32.48 | 35.58 | 45.74 | 55.91 |
| Level 2 Rail Worker (Op) | 27.03 | 30.16 | 30.75 | 34.10 | 37.84 | 48.65 | 59.46 |
| Level 3 Rail Worker (Op) | 29.93 | 33.06 | 33.65 | 37.00 | 41.90 | 53.87 | 65.84 |
| Level 4 Rail Worker (Op) | 32.83 | 35.96 | 36.55 | 39.90 | 45.96 | 59.09 | 72.22 |
| Level 5 Rail Worker (Op) | 35.94 | 39.07 | 39.66 | 43.01 | 50.31 | 64.69 | 79.06 |
| Level 6 Rail Worker (Op) | 38.41 | 41.54 | 42.13 | 45.48 | 53.78 | 69.14 | 84.51 |

25. By deleting the amount “\$23.09” appearing in clause C.1.1 and inserting “\$23.67”.

26. By deleting the table appearing in clause C.1.1 and inserting the following:

| Allowance | Clause | % of standard rate | \$ | Payable |
|--|---------------|---------------------------|-----------|-------------------|
| First aid allowance | 18.2(a) | 72.2 | 17.09 | per week |
| On-call allowance: For a night | 18.2(b)(i) | 49.4 | 11.69 | per night |
| On-call allowance: For a day and night | 18.2(b)(i) | 123.9 | 29.33 | per day and night |
| Wet places | 18.3(d)(i) | 2.9 | 0.69 | per hour |
| Confined spaces | 18.3(e) | 3.8 | 0.90 | per hour |
| Dirty work | 18.3(f) | 2.9 | 0.69 | per hour |
| Height money | 18.3(g) | 2.1 | 0.50 | per hour |
| Insulation materials | 18.3(h) | 3.8 | 0.90 | per hour |
| Explosive powered tools—per day | 18.3(i) | 7.5 | 1.78 | per day |
| Explosive powered tools—per hour | 18.3(i) | Per day divided by 7.6 | 0.23 | per hour |
| Foundry allowance | 18.3(j)(i) | 2.2 | 0.52 | per hour |
| Early morning or afternoon shift | 21.2(a) | 13.24 | 3.13 | per hour |
| Night shift | 21.2(b) | 15.73 | 3.72 | per hour |
| Permanent night shift | 21.2(c) | 29.86 | 7.07 | per hour |

B. This determination comes into operation on 1 July 2021. In accordance with s.286(5) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 1 July 2021.

PRESIDENT