



RTBU

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Fair Work Commission
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4 yearly review of modern awards- Casual employment and Part-time employment (AM2014/196 and AM2014/197) – Rail Industry Award 2010

I refer to the decision of the Fair Work Commission dated 24 November 2017 dealing with part time and casual employment issues (**Decision**). I also refer to the draft determination for variation of the Rail Industry Award 2010, consented to by the Australian Rail, Tram and Bus Industry Union and the Rail Employers, which was sent to the Fair Work Commission by the Rail Employers on 20 October 2017.

The draft determination consented to by the Rail Employers and the ARTBIU contains a paragraph [1], copied below:

[1] Insert immediately after the definition of "on-hire" at clause 3.1 of the Rail Industry Award 2010 the following new definitions:

"permanent night shift means where an employee:

- (i) during a period of engagement on shiftwork, works night shift only; or
- (ii) remains on night shift for a longer period than four consecutive weeks;
or
- (iii) works on a night shift which does not rotate or alternate with another shift or with day work so as to give him or her at least 1/3rd of his or her working time off night shift in each shift cycle.

permanent night shiftworker means an employee who regularly performs permanent night shift work."

The above paragraph is missing from the draft determination for variation attached to the recent Decision of the Fair Work Commission. The ARTBIU seeks to have this paragraph, which has been agreed to by the Rail Employers, included in any final determination.

Regards

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Industrial Officer

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