

Know your Rights: More Responsible Duties Allowance

AT THE Proud to be Public events Workplace Leaders spoke about an increase in challenges to the basis entitlements and rights of Members. As Delegates your Award should be your bible. It's not the easiest read so last week we gave you a framework to help you decipher it so you can make sure these rights and entitlements are upheld in your workplace. This week we apply our three question framework to the MRDA clause found in your awards.

What the Award says

For the purposes of this clause reference to an employee does not include an employee employed for a fixed term or on a casual basis.

(a) An employee is entitled to a more responsible duties allowance when the employee is directed to perform duties that are in excess of the duties of the employee's classification band or consist of partial higher duties for a period of five or more consecutive working days.

(b) The more responsible duties allowance payable is to be in proportion to the more responsible duties undertaken compared to the employee's normal duties and by reference to the employee's salary and the work value of the more responsible duties undertaken.

(c) An employee in receipt of an allowance according to this clause is to continue to be paid the allowance while on approved paid leave, excluding long service leave as prescribed by the Long Service Leave (State Employees) Act 1994, provided that the more responsible duties would have been continuous but for the period of the paid leave and are resumed immediately on the completion of the period of paid leave.

(d) Payment for overtime undertaken while in receipt of a more responsible duties allowance is to include the allowance prescribed by this clause subject to the overtime provisions in Clause 3 - Overtime for Day Work - of Part VI – Hours of Work and Overtime.

What right or benefit does the clause provide?

It gives staff the right to be remunerated for taking on duties above their classification, in direct proportion to the amount and work value of those duties.

What do you have to be to qualify?

You must be a permanent employee performing duties in excess of your classification for five consecutive working days.

What do you have to do to be eligible?

You must be directed to perform them by your employer, it's not enough to perform extra duties of your own volition. It's vital to discuss and get agreement on what the extra duties are and the remuneration that they attract before starting them. The offer should be in writing from your employer, formalising what these discussions covered.