

**EMPLOYER GUIDE AND
APPLICATION FORM**

**A GUIDE TO
YOUR LONG
SERVICE LEAVE
OBLIGATIONS.**



**CONSTRUCTION INDUSTRY
LONG SERVICE LEAVE
PAYMENTS BOARD**

EMPLOYERS AND THE CONSTRUCTION INDUSTRY AND LONG SERVICE LEAVE.

Introduction

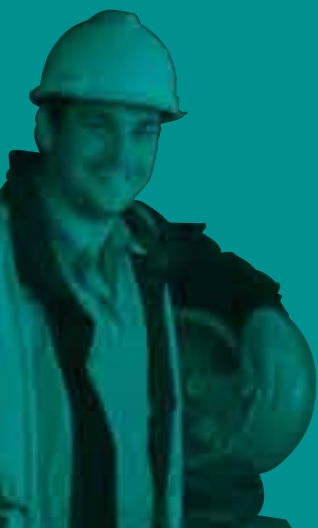
Is your firm in the construction industry as set out in this brochure? If so and you employ workers, which includes sub contractors hired principally for labour and paid by the day or hour, then you need to know about your obligations to contribute to the Construction Industry Long Service Leave Scheme.

This is a portable long service leave Scheme for construction industry employees funded by employers in the industry.

It is *compulsory by law* for employers in the industry to register in this Scheme.

READ ON...

Under the provisions of the Construction Industry Portable Paid Long Service Leave Act 1985, employees in the construction industry have access to a portable long service leave Scheme funded by a compulsory levy on employers.



ABOUT THE SCHEME.

Administration of the Scheme

The Act is administered by the Construction Industry Long Service Leave Payments Board (the Board) which is a body corporate of seven members who are appointed by the government from nominations made by industry unions to represent employees, the Master Builders Association and the Chamber of Commerce and Industry to represent employers in the construction industry.

Employers in the construction industry must register with the Board and are required to pay compulsory long service leave contributions to the Board every three months. This levy covers the cost of administering the Scheme and the payment of long service leave entitlements to construction industry employees.

Registration in the Scheme

Every employer engaged in the Construction Industry must register with the Board. Registration is compulsory by law. There are penalties for non-registration and failure to register and pay contributions can result in fines and surcharges being applied to amounts owed.

A registration form is attached to this brochure. Registration certificates confirming registration are sent to employers after their applications have been processed and accepted by the Board.

ABOUT THE SCHEME.

Definition of Construction Industry

The **Construction Industry** includes the on site construction, erection, installation, reconstruction, re-erection, renovation, alteration, demolition, maintenance of or repairs to any of the following:



Buildings, roads, fences (other than farm fences), installation and major alterations to lifts and escalators, roads, railways, airfields or other works for the passage of persons, animals or vehicles; breakwaters, docks, jetties, piers, wharves or works for the improvement or alteration of any harbour, river, or water course for the purposes of navigation; works for the storage or supply of water or for the irrigation of land; works for the conveyance, treatment or disposal of sewage or of the effluent from any premises; works for the extraction, refining, processing or treatment of materials or for the production or extraction of products and by products from materials; bridges, viaducts, aqueducts or tunnels, chimney stacks, cooling towers, drilling rigs, gasholders or silos; pipelines; navigational lights, beacons or markers; works for the drainage of land; works for the storage of liquids (other than water) or gases; works for the generation, supply or transmission of electric power; works for the transmission of wireless or telegraphic communications; pile driving; structures, fixtures or works and the preparation of sites for any of the above works; and on-site fabrications, erections or installations of plant, plant facilities or equipment for any of the above buildings or works.

ABOUT THE SCHEME.

Work not included in the Construction Industry

Work on ships, maintaining or repairing lifts or escalators, routine or minor maintenance or repairs by employees for an employer who is not substantially engaged in the Construction Industry.

Scope of Definition

Construction industry work covers work on buildings whether commercial, industrial, or domestic, new or existing and includes the installation, maintenance of or repairs to fixtures or works for the use on any buildings. It does not include work in an employers' workshop or factory.

Employers

'Employers' are individuals, partnerships, firms or corporate bodies in the Construction Industry who engage employees in the construction industry under a contract of service or apprenticeship in a classification of work referred to in the list of Awards on the back of this brochure.

Employees include subcontractors hired principally for labour and paid by the day or hour.

**EMPLOYEES RECEIVE ONE
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220 DAYS WORKED IN THE
CONSTRUCTION INDUSTRY**

Three Monthly Returns

A return is sent to every registered employer every three months. This Return covers the previous three monthly period. The periods end in March, June, September and December each year. This Return must be completed and forwarded to the Board within 15 days after the end of each period.

The form must include the names of all employees employed during the three monthly period in the construction industry, details of days worked in the construction industry and the amount paid as 'ordinary pay' to the employees. The Return is used to calculate the long service leave contribution payable to the Board in respect of employees.

No contribution is payable for apprentices but days worked have to be completed on the Return. A guide explaining how to complete the Return is supplied with each Return.

Ordinary Rate of Pay

The ordinary rate of pay is the rate of pay due to the employee when going on paid leave. If an employee is not entitled to paid leave the ordinary rate of pay is the rate of pay payable for ordinary hours which are normally 38 hours per week.

ABOUT THE SCHEME.

Long Service Leave Contributions

Employers must make compulsory contributions based on the wages paid to ALL the workers they employ in the Construction Industry, except apprentices, whether or not they are registered with the Board, for the days those employees are engaged in on site construction work. Contributions are calculated as a percentage of the employee's ordinary rate of pay paid for those days. The contribution rate varies. For the current rate please contact the Board.

Note: Contributions are payable by employers not employees. Long Service Leave charges are allowable as a deduction under the present tax laws.

Days in the Industry

These are normal work days Monday to Friday only and a part day in the industry is counted as a full day for contribution purposes.



Other Charges

If you have any employees with ten years or more service you will be required to pay a contribution to the Board in respect of the long service leave entitlement of those employees who register with the Board. The Board will make an assessment of the amount of contribution due and this amount becomes a debt due to the Board. Once an assessment has been made the Board will contact you regarding payment of the assessment amount which can be paid in instalments over a 12 month period.

Joint Liability

Where two or more persons jointly employ any employees they each are liable for the whole long service leave contributions payable in respect of those employees.

EMPLOYERS IN THE CONSTRUCTION INDUSTRY MUST REGISTER WITH THE BOARD AND ARE REQUIRED TO PAY COMPULSORY LONG SERVICE LEAVE CONTRIBUTIONS TO THE BOARD EVERY THREE MONTHS.

ABOUT THE SCHEME.

Interstate Work

Employers who have employees who are domiciled in other States and who work in Western Australia may apply for exemption from paying long service leave charges if direct payments are made for those employees to similar long service leave Schemes in other States. Employers who wish to continue payments on behalf of workers domiciled in Western Australia who are working outside the State, may need to apply to the relevant interstate long service leave bodies for exemption from paying into their Schemes.

Employees' Entitlements

Employees receive 1 year's service for each 220 days worked in the Construction Industry and the maximum number of days that can be allocated in any year to an employee is 220.

After 10 years of service (2200 service days) in the construction industry, regardless of the number of employers the employee has worked for employees are entitled to $8\frac{2}{3}$ weeks leave and for each 5 years after that $4\frac{1}{3}$ weeks. Leave may not be taken in more than 3 periods or periods of less than 1 week.

Pro Rata (Proportionate) Entitlements

After accumulating a minimum of 1540 days (7 years) of service an employee may, with the permission of their employer, take leave (6 weeks on reaching 1540 service days) on a pro rata basis or, on termination of employment, claim a lump sum payment.

Where an employee who has completed at least 1540 days (7 years) of service dies a pro rata payment will be paid to the dependent spouse of the employee or to the employee's estate.

10 YEARS OF SERVICE IN THE SCHEME, EMPLOYEES GET 8²/₃ WEEKS PAID LONG SERVICE LEAVE

ABOUT THE SCHEME.

Rate of Pay for Leave Entitlement

The employee's payment for the period of long service leave will be paid by the Board and calculated using the employees ordinary rate of pay averaged over the last 12 months (220 service days) of service recorded in the scheme.

What happens if an employee has a break from or leaves the Construction Industry?

Employees may have breaks from the industry of up to two years in the first 5 years of service and up to 4 years after that without breaking continuous service and without losing any accrued service days. Naturally these breaks do not count towards their entitlement.

If an employee breaks their continuous service before reaching a minimum of 7 years service (1540 service days) then all the service accrued to date is extinguished. No payment can be made to an employee who has accumulated less than 7 years service regardless of the circumstances. The Board has no discretion in the matter.

**FOR MORE INFO CHECK OUT
WWW.WALSLBOARD.COM.AU**

What happens to contributions paid in for an employee who does not get an entitlement?

The long Service leave Scheme is not a superannuation scheme. Employees accumulate days of service towards an entitlement not monies. Where an employee leaves the industry before achieving an entitlement any service days accrued are extinguished.

The contribution rate used for calculating contributions to the Board is determined by the Board's actuaries who when calculating the rate needed to meet the costs of the Scheme take into account any surpluses generated due to employees not obtaining an entitlement and from investment returns and adjust the rate accordingly.

Notification of Long Service Leave

An employee who is entitled to long service leave should take that leave as soon as possible after the leave is accrued, having regard to the needs of the employer. However, the leave may be taken at a later date if both the employer and the employee agree to such an arrangement. If the employer and the employee cannot agree then the Board may determine the period of leave to be taken.

The Board will provide a notice to the employer two months before leave is due.

ABOUT THE SCHEME.

Taking Leave in Advance

An employee with at least 1540 days (7 years) of service may take accrued long service leave in advance on a pro rata basis if the employer approves.

An employee registered in the Construction Industry Long Service Leave Scheme continues to accrue long service leave entitlements under the provisions of the Long Service Leave Act relating to long service leave which applies to all Western Australian employees. Due to this, an employer in some cases may become liable to pay long service leave entitlements to an employee before that employee is entitled to long service leave under the provisions of the Construction Industry Long Service Leave Scheme.

When that situation occurs the employer must pay the employee for long service leave. The employer then claims from the Board a reimbursement of contributions paid to the Board for that employee.

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Powers of Inspectors

Inspectors employed by the Board have the power to enter the premises of an employer at any reasonable time of the day to inspect any books, records or documents for any of the purposes of the Act and to take extracts or copies of those records.

Inspectors will produce a certificate of appointment signed by the Chief Executive Officer identifying their appointment as an inspector.

Records and Penalties

Employers are required to keep records of every employee's name and address, date of birth, registration number, starting and finishing dates and the number of days on site. These records must be retained for a period of seven years after the last entry was made.

Penalties may be applied for obstructing a Board Inspector or failing to comply with any section of the Act.

Further Detail

This pamphlet is necessarily a condensed guide covering the main provisions of the legislation and was prepared to give employers a general understanding of the Scheme. Employers should contact the Board for formal advice concerning any particular matters of concern that may arise.

Copies of the complete legislation and subsidiary regulations governing the Scheme may be obtained from the State Law Publishers.

LIST OF AWARDS.

Australian Workers' Union Asphalt and Bitumen Industry (WA) Award 1988

Australian Workers' Union Construction and Maintenance (Consolidated) Award 1987

Australian Workers' Union Geomembrane and Geotextile Installation Award 1989

Bitumen Spraying Services Award 1985

Drilling and Exploration Industry (AWU) Award 1998

Mobile Crane Hiring Award 1990

National Building Construction Industry Award 1990

Plumbing Industry (Old and WA) Award 1979

Professional Divers' Award 1988

Transport Workers' Spraypave Pty Ltd Award 1990

Sprinkler Pipe Fitters' Award 1975

Western Australia Civil Contracting Award 1998

Airconditioning and Refrigeration Industry (Construction and Servicing) Award

Building Trades Award 1968

Building Trades (Construction) Award 1987

Earth Moving and Construction Award

Electrical Contracting Industry Award 1979

Electrical Trades (Security Alarms Industry) Award 1980

Electronics Industry Award

Engine Drivers' (Building and Steel Construction) Award

Foreman (Building Trades) Award 1991

**Furniture Trades Industry Award
(Cabinetmaking and Floorcovering only)**

Gate, Fence and Frames Manufacturing Award

**Industrial Spraypainting and Sand Blasting
Award 1991**

**Lift Industry (Electrical and Metal Trades)
Award 1973**

Materials Testing Employees Award 1984

**Mechanical and Electrical Contractors
(North West Shelf Project Platform) Award 1984**

Metal Trades (General) Award 1966

North Rankin Construction Award

Pest Control Industry Award 1982

Platform Modification and Hook Up Agreement

Radio and Television Employees Award

Roof Tile Fixers Award

Sheet Metal Workers' Award

Thermal Insulation Contracting Industry Award

**Various Government Awards applicable
to temporary employees only.**

FOR MORE INFORMATION.

How do I obtain more information?

You can check out our web site at

www.walslboard.com.au

or telephone the Board yourself or ask someone to call on your behalf.

Our telephone number is **(08) 9476 5400.**

Our facsimile number is **(08) 9321 5404.**

For country callers our Toll Free number is **1800 198 136.**

Our address is

**First Floor, 26 Colin Street
(cnr Colin and Ord Sts), West Perth.**

Our postal address is

PO Box 1333, West Perth, WA 6872.

Email: **staff@walslboard.com.au**

**CHECK OUT
WWW.WALSLBOARD.COM.AU**



CONSTRUCTION INDUSTRY
LONG SERVICE LEAVE
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EMPLOYER APPLICATION FORM

TEAR OFF THIS PORTION AND MAIL - NO POSTAGE STAMP REQUIRED. PLEASE USE BLOCK LETTERS

COMPANY NAME / TRADING NAME / PARTNERSHIP NAME:

AUSTRALIAN BUSINESS NUMBER (ABN):

LAST NAME: FIRST NAMES:

BUSINESS STREET ADDRESS:

POST CODE:

PHONE: FACSIMILE:

BUSINESS POSTAL ADDRESS:

POST CODE:

STATE ALL OTHER NAMES UNDER WHICH YOU TRADE, OR ARE ENGAGED IN THE CONSTRUCTION INDUSTRY IN WESTERN AUSTRALIA:

WHAT IS THE MAJOR TYPE OF CONSTRUCTION WORK CARRIED OUT BY YOUR BUSINESS? (Eg Plumbing, Formwork Etc):

DO YOU EMPLOY WORKERS IN THE CONSTRUCTION INDUSTRY? NO YES

DO YOUR WORKERS WORK ENTIRELY IN YOUR WORKSHOP OR FACTORY? NO YES

DO YOU EMPLOY SUB CONTRACTORS? NO YES

ON WHAT BASIS ARE YOUR SUB CONTRACTORS PAID? HOURLY DAILY BY THE JOB

WHAT DATE DID YOU START EMPLOYING WORKERS ON SITE IN WA?

ARE YOU REGISTERED AS AN EMPLOYER IN A LONG SERVICE LEAVE SCHEME IN ANOTHER STATE? NO YES
(If yes, in what States and what is your Registration Number(s)?)

REGISTRATION NO. STATE:

REGISTRATION NO. STATE:

SIGNATURE: DATE:

BOARD USE ONLY

Registration Number: Registration Date:

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CONSTRUCTION INDUSTRY
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Delivery Address:
PO Box 1333
WEST PERTH WA 6872



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if posted in Australia

