



October 2015

Construction Industry Long Service Leave and Benefits Act

Qualifying service

- Service years are based on financial years.
- The maximum amount of service a worker or contractor can accrue in a financial year is 220 days.
- Service is portable across employers, states and territories.
- A worker is entitled to be credited with one day of service if they carry out at least 6 hours of construction work during a work shift but they can only be credited with a maximum of 6 days qualifying service per week.
- A day of service includes a public holiday or a day of **paid absence** other than a day that is part of long service leave while the worker is employed to carry out construction work in the Northern Territory.
- a maximum of up to four years break in service permitted, after which deregistration from the Scheme can occur. (ie; will not break continuity but does not count as qualifying service.)

Long Service Leave credits

- A worker is credited with 6.5 days long service leave for each qualifying service of 220 days.
- A registered worker's long service leave credits at any time is the sum of long service leave credits accrued with NT Build and long service leave converted from previous service under reciprocal agreements or transitional service provisions.

Benefit rate

- There is a fixed benefit rate for all employees.
- The benefit payable will vary depending on which state or territory the construction work was carried out in and where the benefit claim is lodged.

Leave entitlements

- A registered worker has an entitlement to be granted long service leave once they have accrued 65 days of long service leave credits ie 2200 days of qualifying service.
- A Saturday, Sunday or public holiday is not counted as leave.
- The leave may be taken in one continuous period or in separate periods each of which is not less than 5 days.
- A workers benefit claim will be assessed under the legislation of the state or territory in which they lodge their claim.
- Only labour-only contractors can take payments in lieu of leave.
- Once a worker has taken 65 days leave they must accrue subsequent periods of 32.5 long service leave credits before any further leave can be taken.
- Benefits can be claimed on deregistration, leaving the industry or retirement if the worker has at least 32.5 days long service leave credits.
- Beneficiaries can claim entitlements if the worker dies and had at least 1 day of long service leave credit. (ie. 34 qualifying service days.)

Northern Territory Long Service Leave Act

Qualifying service

- Only applies where an Award or Workplace Agreement does not provide for long service leave.
- One year of service is calculated on the anniversary of the start date for the worker.
- As long as continuity of service with the one employer is not broken, an employee will be credited with 1 year of service regardless of whether they are full time or part time.
- Set criteria for determining qualifying and continuity of service. (e.g. leave on worker's compensation does not break continuity but does not count as qualifying service.)

Long Service Leave credits

- A worker is credited with 1.3 weeks of long service leave for each completed year of service.

Benefit rate

- The rate of pay is calculated for a completed year of continuous service using the rate the employee received immediately before taking long service leave. E.g:
 $RP \text{ (rate of pay)} \times HWW \text{ (hours worked per week)} \times 1.3$
- Where an employee has not worked a fixed number of hours per week an average is taken for the year.

Leave entitlements

- After 10 years of continuous service with the same employer, an employee is entitled to 13 weeks long service leave.
- One week is considered to be 7 days.
- Saturdays, Sundays and public holidays are deemed to be part of the long service leave and the period of leave is not increased because of these.
- The leave may be taken in one continuous period or where the employee and employer agree in separate periods of not less than 4 weeks.
- Benefits can be claimed in certain circumstances after 7 years, ie retirement, death, illness, incapacity, domestic necessity or termination other than on serious misconduct.
- Employees must accrue subsequent periods of 5 years with the same employer to be entitled to take further long service leave.

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Portable long service leave