

Subject: Recognition of absences on workers compensation for portable long service leave accrual purposes

References: *Construction Industry Long Service Leave and Benefits Act:*

- Section 6 – Definitions, “day of service” “construction work”, “LSL credits”, “qualifying service”
- Section 7 – construction work
- Section 15(3) – day of service
- Section 16(2) – LSL credits
- Section 15 – qualifying service

Construction Industry Long Service Leave and Benefits Determinations

Determination 4 – Qualifying service

Policy: Consistent with legal advice obtained and the treatment of worker's compensation absences by other state/territory portable long service leave schemes, the Board has developed the following principles to assist in determining the treatment of an employee's absence on workers compensation on the accrual of a LSL entitlement under the *Construction Industry Long Service Leave and Benefits Act* (the CILSLB Act).

1. Every day a registered worker or registered contractor receives a worker's compensation payment in respect of an approved worker compensation injury is recognised as a day of qualifying service in accordance with s15 of the CILSLB Act.
2. Consistent with the maximum period of full-pay worker's compensation entitlement granted under the *NT Work Health Act*, the duration of this recognition will be reviewed by the Registrar after a continuous absence of 26 weeks. Continued recognition will be subject to the Registrar being satisfied the worker or contractor continues to receive a worker's compensation payment in relation to their approved compensable injury.
3. Subject to principle 2 above, a registered worker or registered contractor who is temporarily not working in the building and construction industry may still be able to have service credited if they are performing alternative light duties, including undergoing retraining to non-construction duties [eg. administrative work, etc], as a result of a rehabilitation programme directly related to their approved compensable injury.

4. The recognition of an absence on workers compensation will be applied to all registered worker's or registered contractor's recorded service with NT Build.
5. Eligibility for continued recognition of qualifying service with the NT Build scheme will stop with effect from the date a registered worker or registered contractor is assessed as 'totally and permanently incapacitated' and ceased or retrained and permanently transferred to non-construction duties.

This is intended as a guide only and is not intended to bind the Board to any particular action or decision about the recognition of absences on workers compensation for portable long service leave accrual purposes.

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