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Your long service leave is in good hands

Our 2024 Annual Report tabled in Parliament shows in the financial year (ending 30 June 2024) that we maintain a strong financial position. This enables the costs to the construction industry to remain under the long-term cost whilst ensuring that long service leave benefits are provided for workers.

We continue to process a significant number of payments to workers and in the 12 months (ending 30 June 2024), we made 4,864 worker payments totalling \$44.5 million. This was an increase on the 2023 level of 4,540 payments totalling \$39.8 million.

What happened in 2024



135,700
registered workers



\$44.5 million
paid in worker benefits



\$493 million
accrued long service leave liability



4,864
workers received a
benefit from MyLeave



\$15.8 million
contribution levy income
generated from employers



\$629 million
in cash and investments



5,545
number of registered
employers



\$4.8 billion
construction
worker wages



10.4% investment return

Last year **\$44.5 million** in long service leave entitlements were paid so workers like you could take well-earned holidays.



4,864 workers took a long service leave benefit.



To access a full copy of the Annual Report please visit the "Publications and Forms" page on our website.



WORKERS

MyLeave has moved!



We have moved and our new office address is

Level 1, 503 Murray Street, Perth.

We're confident that this relocation will enable us to continue delivering a high level of service and support. Our commitment to providing exceptional service remains as strong as ever.

GOOD TO KNOW...

Common questions

Which workers are eligible for MyLeave?

Only workers working on-site in classifications of work listed in a prescribed award are eligible for MyLeave. Workers employed in an employer's own workshop or yard, and administration, clerical and managerial workers are not eligible for MyLeave. If you are unsure of your eligibility, please contact a member of our Compliance and Advisory team.

Left the industry? No longer eligible? No longer accumulating service days? What happens to my accumulated service days?

Our legislation defines 1 year of service as 220 service days, in an eligible job role in the Construction Industry.

1 year of employment is not necessarily considered to be 1 year of service.

Where a worker has not yet reached an entitlement (7 years of service / 1,540 service days) the following rules apply.

If you have accumulated 1,100 service days or less, your accumulated service days will be held for 2 years.

If you have accumulated between 1,101 and 1,539 service days, your accumulated service days will be held for 4 years.

If you re-enter the industry as a worker before the above periods expire you will not lose any previously accumulated service. If you do not re-enter the industry before the above periods expire then the service, you have accumulated to date will be lost.

MyLeave has no discretion regarding extinguishing service days. The legislation governing MyLeave provides that if a worker does not recommence in the industry as a worker before the time allowed out of the industry expires, then the service days accumulated **must be** cancelled regardless of the circumstances.

If you move to a position, with the same employer, which is not eligible for MyLeave (i.e. an administration or managerial role), your employer cannot contribute for you, and you will cease to accrue service days with us. In this situation your long service leave accrual would become the responsibility of your employer under the *Long Service Leave Act 1958* with your service accrual being from the date you started with the company (for long service leave accrual purposes).

If you qualify, your employer should pay you direct and can make a claim for recovery for service they have contributed to MyLeave for you.

Where you have service from prior employers, if you did not have a standalone entitlement with us prior to becoming ineligible, those days are subject to our deregistration rules and will be extinguished after the appropriate 2- or 4-year period.

If you did have a standalone entitlement with us prior to becoming ineligible, we will pay you any entitlement that you have from Service Days reported by prior employers.

If for any reason you terminate your employment with that employer, the above rules will apply regarding cancellation of service days from the last Service Days reported for you i.e. after 2 or 4 years.

Can I take long service leave in multiple periods, and what are the conditions?

Yes, a worker can take long service leave in multiple periods.

However, there are specific conditions:

1. **Accrued Balance:** You can only take the amount of long service leave you have accrued. You cannot take more leave than you have in your entitlement.
2. **Minimum Duration:** Each period of leave must be no less than one week.

Is there a maximum number of claims a person can make?

Yes, under legislation a worker can only make 3 long service leave claims for every 10 years of service.

What happens to the monies paid in by my employers if I leave the industry?

MyLeave is not like superannuation. Workers accumulate days of service, not monies so no funds are allocated against a worker's account.

When a worker has accumulated sufficient days of service to obtain a benefit (minimum 7 years of service / 1,540 service days), then that benefit is paid out using ordinary pay rates based on the average weekly rate of pay over the last 220 days of service. The amount paid out is not based on the contributions paid in by employers.

Where workers leave the industry or become ineligible before attaining

an entitlement, the service days accumulated to date are lost after the appropriate 2- or 4-year period.

Any surpluses generated are offset against MyLeave's total long service leave entitlements for workers and assist in reducing the contribution levy payable by employers.

I am an apprentice, am I eligible for MyLeave?

Yes, apprentices in an eligible job role should be included on employer returns with service days accruing towards an entitlement. There is no cost to your employer while you are an apprentice.

When can I apply for long service leave?

As a worker in WA, once you have accumulated 2,200 service days (which is equivalent to 10 years of service), you are entitled to 8 $\frac{1}{3}$ weeks paid long service leave. You can also request a pro rata (proportional) payout after 7 years of service (1,540 service days) with the approval of your employer.

Note: By claiming a payment on termination of employment, you will break your service for long service leave purposes. This means that you must work a further 7 years in the construction industry before you once again qualify for any further benefit from MyLeave.

Please note that for the initial 10 years of long service leave entitlement (8 $\frac{1}{3}$ weeks), you can take leave on only 3 occasions and the minimum period of leave is 1 week.

If you move to another State, your WA service can count in that State towards a long service leave benefit.

Please note that you should allow a minimum 10 – 15 business days for us to process and pay your claim.

Can I cash in my long service leave by applying for my long service leave and then continue working?

No. But if you have reached an entitlement by accruing 7 years of service with us, you can be paid out your accumulated entitlement on termination of your employment.

Audit of entitlement

Please be aware that while we believe your entitlement information is accurate it is subject to final verification with your

employers at the time of processing your claim for long service leave payment.

Working Directors

Are you a working director?

If your pay arrangements, role in the company, or circumstances have changed over the years, speak with our Compliance and Advisory team to ensure you are still eligible.

Working Directors are a special category of worker in MyLeave and the definition of "Ordinary Rate of Pay" creates complexities regarding the treatment of Working Directors.

Working Directors are considered permanent employees entitled to leave, with contributions based on their ordinary rate of pay whilst on annual leave, excluding leave loading.

To remain eligible, a Working Director must:

- perform on-site construction work.
- be paid a wage comparable to other workers in their occupation for on-site labour, and
- not receive payments related to ownership of the business.

MyLeave reviews industry pay data and may audit directors earning above reasonable industry averages to assess the principal purpose of the role performed and whether their role aligns with an employer/employee relationship.

If a Working Director's wage includes elements beyond on-site labour—such as business development, project management, or administration—those components are not eligible for MyLeave contributions, and the proportion of these tasks may affect eligibility.

The ordinary rate of pay for a Working Director is the amount that annual leave is accrued and must be:

- a regular, defined wage (at least monthly).
- taxed under Pay As You Go (PAYG).
- supported by:
 - wage records,
 - ATO payment summaries, and
 - bank transfers from the business to a personal account.

One-off payments or annual adjustments cannot be counted, nor can they be averaged out over the year.

Working Directors without a consistent

wage or with large pay increases may not meet eligibility requirements.

If unsure, contact MyLeave for clarification.

Quarterly Returns should only report service days worked on-site in a prescribed classification.

Supervisors

Workers performing the role of "Supervisor" are only eligible if they are principally employed to perform work that aligns with those of a Foreman under clause 5.1 of the Foreman (Building Trades) Award 1991 or perform work within Schedule A of the Building and Construction General On-site Award 2020.

Eligibility is assessed on the substantial duties of the Worker aligning with a classification of work under a Prescribed Award, not the Workers job title.

Supervisors whose time is predominantly spent on-site mainly engaged for the supervision of employees and oversee construction work are eligible for MyLeave.

Supervisors whose time is predominantly spent off-site and/or their duties are more aligned to that of a Manager, Project Manager, or Superintendent would not be eligible for MyLeave.

Which firms are required to register with MyLeave?

Any firm that engages workers in the building and construction industry is required by law to register with MyLeave and pay contributions – this includes labour hire agencies and those who do maintenance work. Businesses that have only managerial, office, supervisory, yard, or workshop staff are not included.

Businesses that consist only of a sole proprietor or partners that do not employ anyone else are also excluded. To be included, a firm must have workers engaged directly on-site in the construction industry.

Subcontractor or Employee?

In cases where the situation is not clear, MyLeave has developed guidelines to assist in the determination of the matter.

In February 2022, the High Court of Australia [2022] HCA 1 determined that a labourer engaged by a labour-hire company was a worker and not an independent contractor.

Manage your long service leave online

Track your Service Records

View your recorded days of service so you can be sure your employer is correctly contributing to us for you. Service records are updated online on a quarterly basis. An Annual Notice will be sent to you in March each year.

Check your Annual Notice is correct

Check your Annual Notice carefully to ensure your service records are correct. Notify us immediately if there are any problems as employers are only required to keep pay records for 7 years. It can be extremely difficult to verify claims of service if the required records are no longer available. We cannot accept claims for large periods of past unallocated service with an employer which cannot be verified against employer records.

Start your long service leave application.

If you are planning to take long service leave, download a claim form online via the 'Publications and Forms' link. Once we receive your application, we will do our best to get your long service leave payment to you as quickly as possible.

Get your claim in early, as in peak periods like Christmas, processing times can exceed 15 business days.



If you have any queries related to these matters, please refer to the guidance material under the "Subcontractor or Employee" section on our website.

www.myleave.wa.gov.au

Hot topics



What do I do if I think that I have missing service?

Please lodge a days of service query through your online portal or using a days of service query form from our website. Service older than 7 years is unlikely to be located and verified so please let us know about missing service as soon as possible so that we have the best chance of ensuring that you get your full entitlement.

What are the benefits?

The benefits are 8 $\frac{2}{3}$ weeks leave after 10 years of service (2,200 service days).

When you have accumulated 7 years of service (1,540 service days) a pro rata (proportional) benefit of 6 weeks can be claimed. You may take this leave with the approval of your employer. Benefits continue to accrue until entitlement is utilised or claimed upon termination as a lump sum payment.

If you have not accumulated the minimum number of service days (1,540 days of service / 7 years of service) required to obtain an entitlement, regardless of the circumstances, you are not entitled to any payment. We have no discretion in this matter.

Interstate service - Portability between States

All construction industry long service schemes are party to a reciprocal arrangement. This covers all States and Territories except the Christmas and Cocos Keeling Islands. Please contact us regarding service on Christmas and Cocos Keeling Islands if this is applicable to you.

This arrangement allows you to accumulate service no matter which State you have worked in. When you are eligible for a payment in the State you are currently working in, you then make a claim in that State.

For example, if you are currently working in WA and previously had service in another State, where the service on the Annual Notices from WA and interstate adds up to a minimum of 7 years of service, and the service is deemed to be 'continuous' under each States rules, then you can make a claim via us.

If you are working in another State, please note that minimum service requirements and breaks in service rules before reaching an entitlement vary from State to State and you should check what the requirements are in the State you are currently working in.

Number of Registered Workers

2018	112,245	
2019	107,873	
2020	106,392	
2021	106,287	
2022	111,281	
2023	123,100	
2024	135,700	

Number of LSL Claims Paid

2018	5,445	
2019	5,808	
2020	5,275	
2021	3,670	
2022	4,242	
2023	4,540	
2024	4,864	

Value of LSL Claims Paid

2018	\$43.7 million	
2019	\$44.5 million	
2020	\$40.9 million	
2021	\$29.1 million	
2022	\$36.1 million	
2023	\$39.8 million	
2024	\$44.5 million	



Image courtesy of CTF

Contact Us

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Telephone:	(08) 9476 5400 Mon - Fri 8:00am to 4:30pm
Freecall:	1800 198 136 Mon - Fri 8:00am to 4:30pm
Address:	Level 1, 503 Murray Street Perth WA 6000
Postal Address:	PO Box 1333 West Perth WA 6872

Interstate Scheme websites

Northern Territory	www.ntbuild.com.au
Queensland	www.qleave.qld.gov.au
New South Wales	www.longservice.nsw.gov.au
Australian Capital Territory	www.actleave.act.gov.au
Victoria	www.leaveplus.com.au
Tasmania	www.tasbuild.com.au
South Australia	www.portableleave.org.au

Who's on the Board

Susan Barrera
Chair

Representing Workers
Steve McCartney
Kari Pnacek
Steve Catania

Representing Employers
Jo Alilovic
Kate Schick
Paula West

myleave.wa.gov.au



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