

ONSITE EMPLOYER

PROGRESS UPDATE: MYLEAVE'S IT SYSTEM AND EMPLOYER PORTAL PROJECT

MyLeave is progressing with development of our new Customer Relationship Management system and our outward facing Worker and Employer portals. We are now able to share some details about the new Employer portal which may change the way you manage and submit your MyLeave returns in the future.

Once launched, managing your workers will be a separate task to submitting your quarterly return. You will have 24/7 access to your MyLeave portal where you will be able to add or update your workers at a time convenient to you. Additional worker information will be required to assist us with compliance and data validation. A payroll identifier field will be available to you so that you can allocate a workers payroll ID number or workplace reference number against each worker profile.

Returns will be pre-populated with your list of workers and several key fields of information held within the worker profiles; this results in a smaller set of information being required for return submission.

We intend to provide manual and bulk upload options for new worker creation and return submission.

Worker long service leave claims will be managed electronically through your employer portal.

You will have the ability to set up delegates within your organisation with access rights set by a master user to manage different MyLeave functions.

If you would like to participate in providing feedback on the system changes and possibly testing functionality from an employer's perspective, please contact us at suggestions@myleave.wa.gov.au

Once finalised and endorsed we will provide detailed information on how each of these functions will operate.

0.1% Contribution rate to apply for 2022 The lowest* contribution rate in 20 years


The 2021 Annual Report of MyLeave (the Construction Industry Long Service Leave Scheme) tabled in Parliament shows that in the financial year ending 30 June 2021 MyLeave maintains a strong financial position, enabling the costs to the construction industry to be minimised whilst ensuring that long service leave benefits are provided for workers.

MyLeave continued to process a significant number of payments to workers and in the 12 months to 30 June 2021, MyLeave made 3,670 worker payments totalling \$29.1 million. This was a decrease on the 2020 level of 5,275 payments totalling \$40.9 million. COVID-19 may have played a role in lower claim numbers due to overseas and interstate travel remaining on hold and an increased demand for construction workers.


* Excluding COVID Relief rate from July 2020


What happened in 2021


 **106,287**
workers registered in
the Scheme


 **\$29.1 million**
paid in worker benefits

 **\$3.1 billion**
construction worker
wages


 **\$49.81**
per year average
administrative
cost per registered
construction industry
worker


 **3,670**
workers received
a benefit from the
Scheme

 **\$9.7 million**
Contribution levy
income generated from
employers

 **\$393 million**
accrued long service
leave liability

 **5,052**
average number of
registered employers

 **\$15.2 million**
in COVID levy relief to
employers

 **\$668 million**
in cash and
investments

 **16%**
investment return

Information board

Employees eligible for the Scheme

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

High Court Decision affecting Labour-hire Employment Relationships

In February 2022, the High Court of Australia [2022] HCA 1 determined that a labourer engaged by a labour-hire company was an employee and not an independent contractor. This affects 'Odco-style' labour hire arrangements that have previously not been held to create employment relationships. If you are operating on this basis, please contact MyLeave as this may affect the eligibility of your workers.

Employee or subcontractor?

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

A full copy of the guidelines is available on the MyLeave website.

In reaching a determination as to whether an employee/employer relationship exists, MyLeave would normally obtain documentation and seek responses to a number of questions which would draw out sufficient information on which to base a decision.

These questions and factors for consideration have been developed from judicial precedents.

If you are unsure of whether an employee/ employer relationship exists, please first refer to the guideline brochure, if you are still in doubt, contact MyLeave.

Lodging your Quarterly Returns via the MyLeave web portal

When lodging your quarterly return to us via the MyLeave web portal, we recommend that you input the data as soon as possible. Don't delay in submitting your return until the last day as you may experience delays if high volumes of employers are trying to lodge their returns at the same time.

Please note that there are two methods to lodge returns on the web portal;

- Direct entry into the Online Employer Return Form
- Upload of spreadsheet and then submission via the Online Employer Return Form

If required, a practice facility is available via the "Employer" button at the top of the MyLeave website. Just click "Demo" and you will be able to try out the functionality before submitting your return.

Reportable Service Days

Reportable Service Days include part days and weekends, where an employee is employed in the construction industry, on which an employee is entitled to receive ordinary pay. This includes rostered days off, public holidays, annual leave, paid sick leave, paid maternity leave, workers compensation, and stand down. For the period 30/03/2020 – 28/03/2021, long-term casuals who were receiving JobKeeper payments are to be reported as Service Days.

Note: Each day or part day employed as an employee in the construction industry, in an eligible job role is to be reported as a full day.

Reportable Service Days can sometimes be difficult to assess for industrial instruments which are not based upon a standard 5-day week (Monday – Friday). The Compliance and Advisory team at MyLeave will be pleased to provide any necessary assistance to you in clarifying issues regarding penalty rates and/or Reportable Service Days.

You will be required to provide a copy of your industrial instrument to the team for review purposes.

Definition of Ordinary Pay for quarterly Returns

When preparing your quarterly returns, the ordinary pay for reportable service days will vary depending on if the worker is entitled to paid leave or not.

- For workers entitled to paid leave
Ordinary pay means the rate of pay (disregarding any leave loading) to which the person is entitled for leave (other than long service leave) to which the person is entitled.
Please note that ordinary pay does not include annual leave loading but does include other amounts such as rental allowance, utilities allowance, living away from home allowance etc. – if these allowances are due to a worker when on paid leave.
- If a worker is not entitled to paid leave (other than long service leave)
The ordinary pay of the person is the rate of pay to which the person is entitled for ordinary hours of work. For instance, the ordinary rate for casuals will include casual loading, other applicable allowances, and may include weekend work.

Ordinary pay and reportable Service Days must be calculated in calendar years and not financial years as the levy may differ from 1 January of each year.

Need a helping hand?

You'll find our website gives you the answers quickly!
www.myleave.wa.gov.au

Working Directors

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

The contribution rate is based on the 'ordinary rate of pay' paid to an employee for ordinary hours of work.

For Working Directors, the 'ordinary rate of pay' is the rate of pay being received by Directors as employees of their firm. This would be the amount that they receive as wages on a defined, regular, at least monthly basis, that they pay tax on a Pay As You Go (PAYG) basis, have wage records for (payslips), can present an ATO payment summary at the end of each financial year, and evidence regular payment of wages from the business bank account into their personal bank account.

One off adjustments during or at the end of the financial year are not included, nor can they be averaged out over the year.

Working Directors who do not receive a regular wage cannot then meet these requirements and their status in the Scheme is in doubt.

Working Directors who are in this situation or are unsure of these arrangements should contact MyLeave to discuss the matter.

Quarterly Returns are only to record service days when Working Directors are on site and working in a prescribed classification.

Maintenance work is included

Please be aware that maintenance work is also covered by this Scheme. Many employers think that we only cover construction work.

Employees under the temporary skilled migration (subclass 457) program or the Temporary Skill Shortage (TSS) visa program

Ensure that workers employed under the above programs are included on quarterly returns.

How does my employee apply for long service leave?

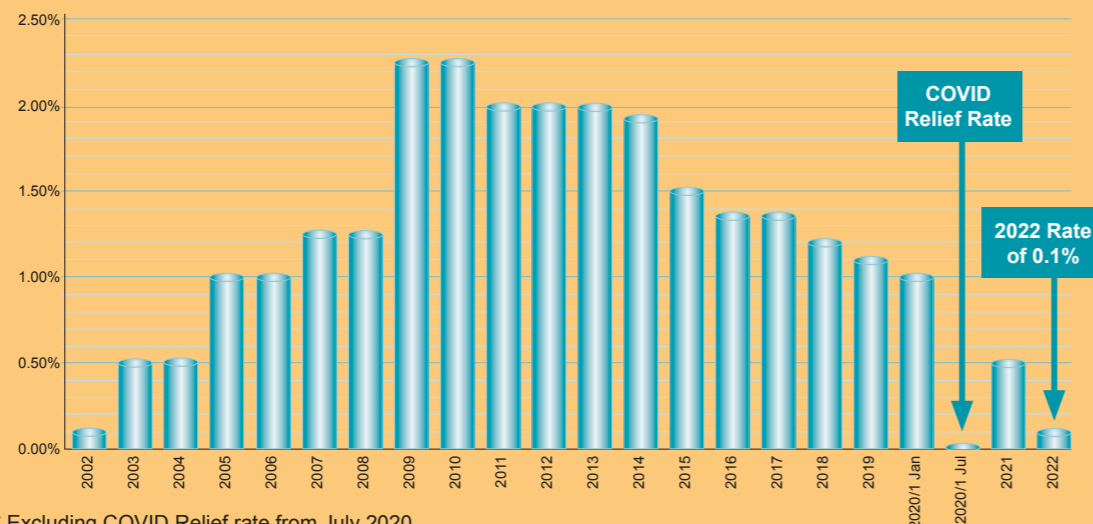
All that your employee has to do to claim their long service leave is complete and submit the Application for Payment of Long Service Leave Form to MyLeave. A copy of the form may be obtained on our website or by calling us. The form is in two parts. The employee should complete Part 1, and you, the employer, should complete Part 2. Once both parts are completed, please send the form to MyLeave by email or post and we will process the application. An application usually takes 2-3 weeks to process.

Important notices

Contribution rate

Following the annual Actuarial review, and analysis by Board Members, the contribution rate will reduce to **0.1%** of the ordinary rate of pay for 2022. This is equivalent to \$80 annually, or \$20 quarterly for an employee earning \$80,000 per annum.

The lowest* Contribution Rate in 20 years



* Excluding COVID Relief rate from July 2020

Paperless quarterly returns

Quarterly returns are distributed via email. This process enables employers to complete quarterly returns online and reduces postage and processing expenses. If you cannot locate your quarterly return, please check your email spam folder and have your IT team or provider add the domain "myleave.wa.gov.au" to your safe sender list to prevent our emails being marked as spam.

Paperless distribution of employee Annual Notices

The preferred method of distributing employee Annual Notices is via email.

This provides an efficient service to employees and reduces postage and processing expenses. The MyLeave team will liaise with employers to collect employee email addresses where they are not currently held. Employees without email addresses will receive their Annual Notice in the post.



Apprentices

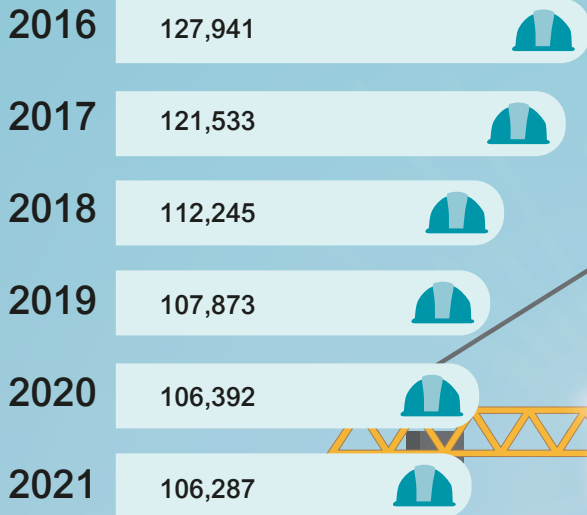
Employers are reminded that they must report apprentices and register them with the Scheme. Time served as an apprentice counts towards a long service leave entitlement.

Employers do not have to make financial contributions for apprentices, however, are required to complete quarterly returns showing service days in the industry.

The Act provides the following definition of apprentices; apprentice means a person who is an apprentice under a training contract that:

- provides for training in a classification of work referred to in a prescribed industrial instrument relating to the construction industry that is a prescribed classification; and
- is registered under the *Vocation Education and Training Act 1996* Part 7 Division 2 or an Act of another State or Territory that corresponds to that Act.

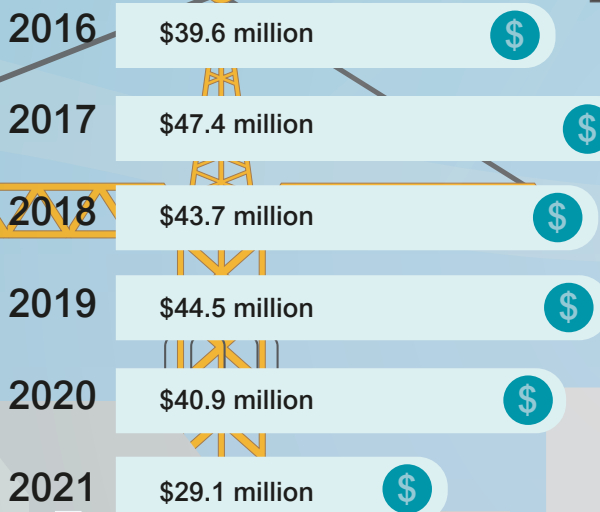
Number of workers registered



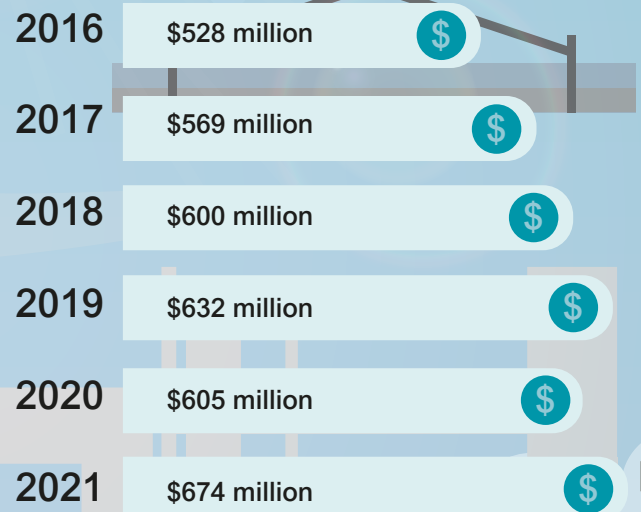
Number of LSL claims processed



Value of LSL claims paid



Value of assets



Contacting the board

Website:	www.myleave.wa.gov.au
Email:	hi@myleave.wa.gov.au
Telephone:	(08) 9476 5400
Freecall:	1800 198 136 Mon - Fri 8:00am to 4:30pm
Facsimile:	(08) 9321 5404
Address:	3rd Floor, 50 Colin Street, West Perth WA 6005
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.coinvest.com.au
Tasmania	www.tasbuild.com.au
South Australia	www.portableleave.org.au

Who's on the Board

Ms Susan Barrera
Chair

Representing employees
Mr Mick Buchan
Mr Steve McCartney
Ms Lisa Judge

Representing employers
Ms Joanne Allilovic
Mr John Gelavis
Ms Kate Schick

Board Members appointment term expires
24 September 2023