

ONSITE EMPLOYER

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

As part of MyLeave's journey towards providing improved systems and services to our stakeholders, we now have an electronic claim lodgement option for worker claims and employer recovery claims. These forms have built in workflow to route the form from worker, to employer, to MyLeave without having to print and email, or fill and forward PDF forms.

An info-sheet outlining the process and the web-forms can be found on our website under publications and forms.

Despite some delays, as of December 2022 we have recommenced development of our new Customer Relationship Management system and our outward facing Worker and Employer portals.

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.

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

We will contact you as functionality is released to let you know the next steps.

0.1%
Contribution rate
to apply for 2023

MyLeave strives
to maintain a low
Contribution Rate.

MyLeave's 2022 Annual Report tabled in Parliament shows in the financial year (ending 30 June 2022) that MyLeave maintains a strong financial position. This enables the costs to the construction industry to be minimised whilst ensuring that long service leave benefits are provided for workers.

MyLeave continues to process a significant number of payments to workers and in the 12 months (ending 30 June 2022), MyLeave made 4,242 worker payments totalling \$36.1 million. This was an increase on the 2021 figures of 3,670 payments totalling \$29.1 million.

With the levy at 0.1% from January 2022, contributions from employers was \$12.3 million providing an annual saving of \$25 million to the industry below the long term cost.

What happened in 2022



111,281
workers registered
with MyLeave



4,242
workers received a
benefit from MyLeave



5,215
average number of
registered employers



\$36.1 million
paid in worker benefits



\$12.3 million
Contribution levy income
generated from employers



\$3.6 billion
construction worker
wages



11.4 million
service days reported
for workers



\$379 million
accrued long service
leave liability



\$596 million
in investments



\$46.84
per year average administrative cost per registered
construction industry worker



-7.1%
investment return

To access a full copy of the Annual Report please refer to the "Publications and Forms" link on our website.

Information board

Employees eligible for MyLeave

Only employees 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 employees are not eligible for MyLeave. If you are unsure of your eligibility, please contact a member of our Compliance and Advisory team.

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 via the MyLeave web portal, we recommend that you don't delay inputting and submitting your return as high traffic may result in delays.

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 Portal page. 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 March 2020 – 28 March 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 a prescribed classification of work 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). Our Compliance and Advisory team are happy to provide assistance in clarifying issues regarding penalty rates and/or Reportable Service Days.

To provide accurate advice, we will request copies of your employees terms of employment (including applicable industrial instruments).

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 annual leave.

How workers who are entitled to paid annual leave are paid under MyLeave's legislation has been reviewed and an updated position has been adopted by the MyLeave Board.

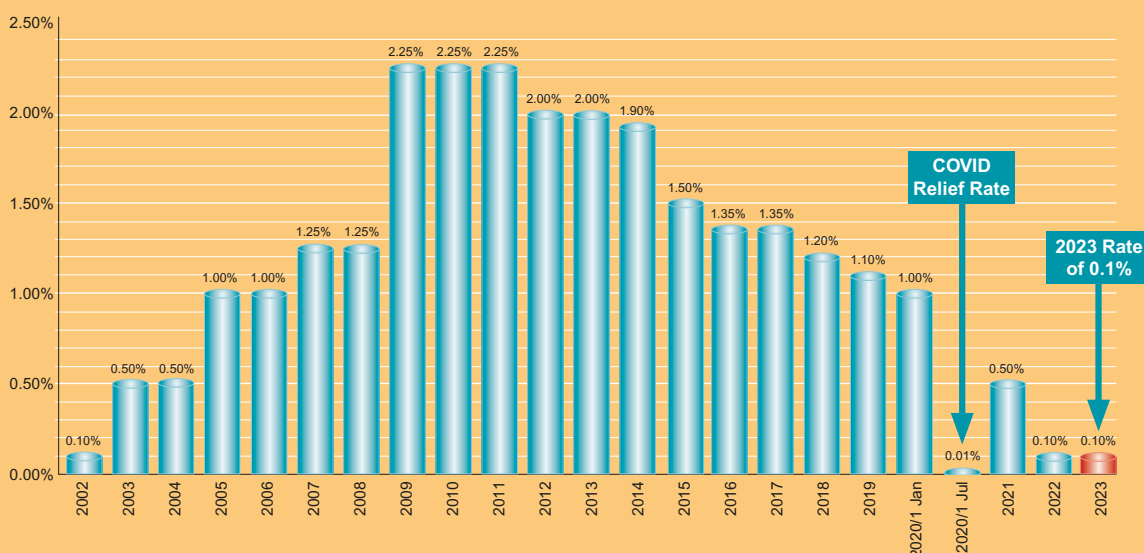
Important notices

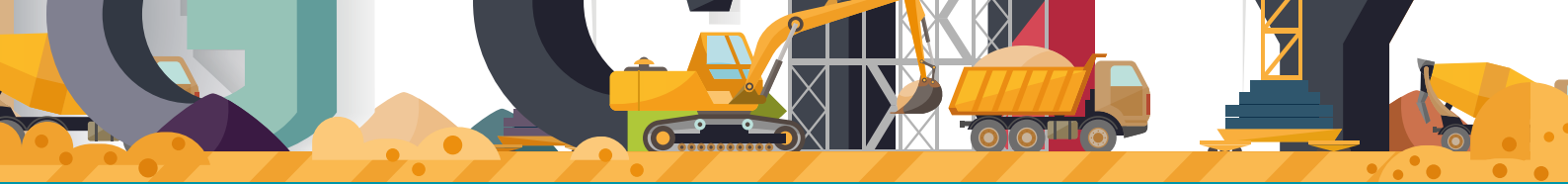
Contribution rate

Following MyLeave's annual review, the Contribution Rate will remain at 0.1% of the ordinary rate of pay for the 2023 calendar year.

This is equivalent to \$80 annually, or \$20 quarterly for an employee earning \$80,000 per annum.

Contribution rate remains low for 2023





For returns submitted for the January to March 2023 period onward, the ordinary pay reported for your employees who are entitled to paid annual leave under their terms of employment (including contracts of employment) should be:

- Their daily rate of pay while on paid annual leave (inclusive of allowances that are paid while on annual leave and excluding leave loading) multiplied by;
- The number of days of service you are reporting for them.

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 paid to a worker when on paid annual leave.

If a worker is not entitled to paid annual 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 and the definition of "Ordinary Rate of Pay" creates complexities regarding the treatment of Working Directors.

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 do not meet these requirements and their eligibility for MyLeave is in doubt.

Working Directors who are in this situation or are unsure of these arrangements should contact our Compliance and Advisory team 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 MyLeave. 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?

If an employee is planning to take long service leave, have them search "MyLeave Worker Information Page" on Google and look at the "How to make a claim" section. Information on how the claim process works and a convenient web-form are available for them to lodge claims online.

Once submitted by your employee, you will be emailed to complete your part of the claim. Once you have submitted your part, both you and your employee's parts will be received by MyLeave automatically. If for whatever reason you are providing a paper-based form, please email it to claimapplication@myleave.wa.gov.au

Claims normally take 2-3 weeks to process but during peak periods like Christmas, processing times can exceed 3 weeks.



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 MyLeave. Time served as an apprentice counts towards a long service leave entitlement.

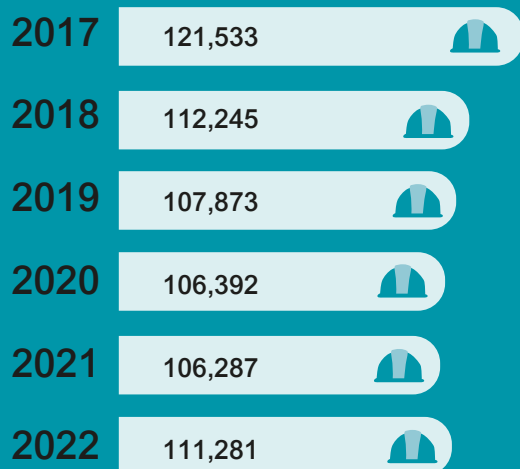
There is no cost to employers for apprentices, however, you are required to complete quarterly returns showing service days in the industry.

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

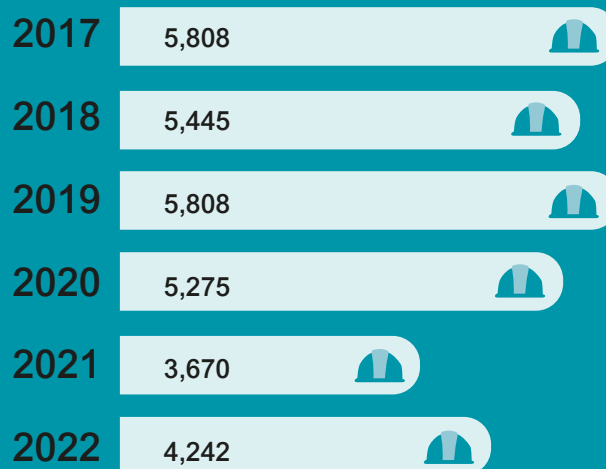
- (a) provides for training in a classification of work referred to in a prescribed industrial instrument relating to the construction industry that is a prescribed classification; and
- (b) is registered under the *Vocation Education and Training Act 1996* Part 7 Division 2 or an Act of another State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



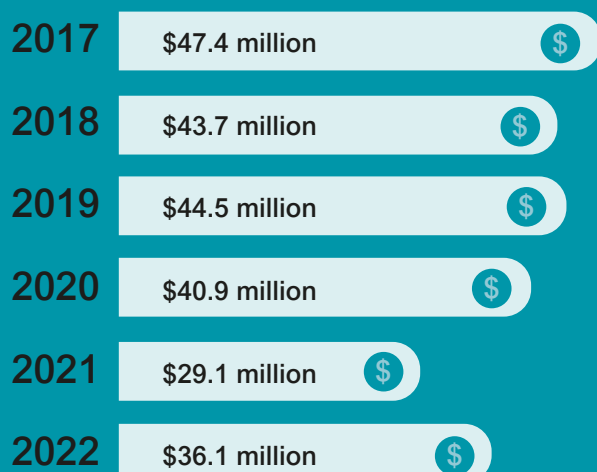
Number of workers registered



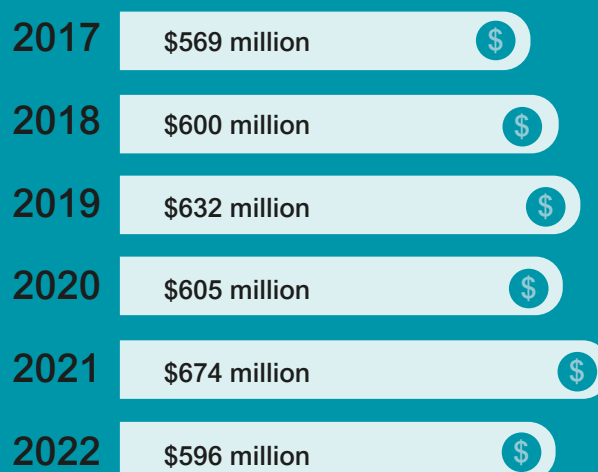
Number of LSL claims processed



Value of LSL claims paid



Value of assets



Contacting MyLeave

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
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 Alilovic
Mr John Gelavis
Ms Kate Schick

Board Members appointment term expires
24 September 2023

Get online to lodge your quarterly return
www.myleave.wa.gov.au