



EMPLOYER

New MyLeave Portal

MyLeave's new Employer and Worker portals are now live.

The upgraded portals deliver a range of important enhancements, including a new design, 24/7 access, enhanced security, and improved self-service functionality.

Key changes include:

- **Online Claim Approvals** must now be completed in your portal once a worker has submitted their long service leave claim through the Worker Portal. You will receive an email notification advising that a claim is awaiting your review, along with a request to provide the required payment information.
- **Quarterly Returns** now follow a **three-step process** that allows you to update worker details at any time, lodge your return by the due date, and then pay the invoice for contributions owed.

Ordinary pay is to be reported as the **average daily ordinary pay** for the quarter, rather than the total ordinary pay for the quarter.

Additional information is required for apprentices and trainees, including their ordinary pay, to support contribution relief and assist MyLeave with liability management.

More details about the changes in the new portal are available on our website at www.myleave.wa.gov.au.

What happens next

If you haven't already, check your inbox and junk folders for an email with your **invitation link**.

If you haven't received it, get in touch at hi@myleave.wa.gov.au and we can send it to you.



What happened in 2025



145,472
registered workers



\$46.7 million
paid in worker benefits



\$537 million
accrued long service leave liability



4,888
workers received a benefit from MyLeave



\$34.4 million
contribution levy income generated from employers



\$673 million
in cash and investments



5,732
number of registered employers



\$5.3 billion
construction worker wages



10.8% investment return



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INFORMATION BOARD

Common questions

Working Directors

Are you a working director?

Working Directors are a special category of employee for MyLeave and can accrue portable long service leave, but strict eligibility rules apply.

To qualify, a Working Director must:

- Perform on-site construction work;
- Be paid a comparable wage for their on-site labour (not payments linked to business ownership); and
- Receive regular wages (at least monthly) through PAYG, with payslips, ATO reporting and payment from the business account to their personal account.

One-off payments or end-of-year adjustments are not considered to be 'ordinary pay' and cannot be averaged.

If pay is significantly above industry averages, MyLeave may audit the arrangement to confirm it reflects genuine employment. Payments relating to activities such as business development, project management, administration or other management functions are not considered as 'ordinary pay'.

Working Directors who do not receive regular wages, or who substantially increase their pay, may not meet eligibility requirements. If your role or pay has changed, contact MyLeave's Compliance and Advisory team.

Quarterly Returns should only record service days for time spent performing on-site work in a prescribed classification.

Supervisors

Supervisor eligibility for MyLeave is based on the work performed - not job title.

Eligibility is assessed based on whether a Supervisor:

- Spends most of their time on-site supervising employees doing construction work; and
- Performs duties aligned with a Foreman under the *Foreman Building Trades Award (1991)* or Schedule A of the *Building and Construction General On-site Award (2020)*.

Supervisors who mainly work off-site or perform managerial duties (e.g., Manager, Project Manager or a Superintendent) are not eligible.

Workers 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.

Please note that from **1 January 2026**, construction work carried out on or from vessels will be eligible, meaning these workers will now accrue service and entitlements under the Act.

If you are unsure of eligibility, please contact the MyLeave team.

Worker Information

To support compliance and accurate data validation, employers are required under the *Construction Industry Portable Paid Long Service Leave Regulations 1986* to maintain up-to-date worker information in their Employer Portal. This includes details such as employment information and worker contact details, ensuring MyLeave can effectively communicate with workers about their entitlements.

Subcontractor or Employee?

MyLeave provides guidelines to help determine if a worker is an employee or subcontractor.

Decisions are based on documentation, answers to key questions and factors drawn from legal precedents.

If unsure, first review the guidance under the "Employer" section on our website. If still in doubt, contact MyLeave for advice.

Lodging your Quarterly Returns via the MyLeave web portal

Returns are due on the 15th of the month following the end of a quarter. However, due to changes with the new portal, for the January to March 2026 quarter, your submission is due by **30 April 2026**.

Return processing has changed, and is now made up of three components:

- Managing your workers
- Completing your returns
- Pay the contributions invoice

You now can now manage your workers 24/7 so they are up-to-date and ready for the next return cycle.

Reportable Service Days

Reportable Service Days include all days a worker in the construction industry is entitled to ordinary pay, including:

- Part-days and weekends
- Rostered days off
- Public holidays, annual leave, paid sick or maternity leave
- Workers' compensation and days a worker is stood down

Each day or part-day in an eligible role counts as a full-service day.

Complexities can arise with non-standard working arrangements. MyLeave's Compliance and Advisory team are here to help. Make sure you have your relevant terms of employment handy so we can work through your enquiry.

Definition of Ordinary Pay for quarterly Returns

When preparing quarterly returns, your calculation of ordinary pay depends on whether the worker is entitled to paid leave or not.

Workers entitled to paid leave: Ordinary pay is the rate they receive when taking annual leave (excluding leave loading) and includes allowances they are paid on leave.

Workers not entitled to paid leave:

Ordinary pay is the rate/s of pay received for ordinary hours of work. There are two cohorts of casuals being:

- Those who work rostered work cycles
- Those who do not work rostered work cycles.

Depending on which of these two options apply will determine how you calculate their ordinary pay.

Employers must consider terms of employment and rostering arrangements to determine ordinary hours.

Ordinary pay and reportable service days must be calculated by calendar year, not financial year, as the contribution levy is reviewed annually and may change from 1 January each year.

Details on how to apply 'Ordinary Pay' is available on our website.

Legislation Changes (Effective 1 January 2026)

Amendments to the *Construction Industry Portable Paid Long Service Leave Act 1985* will:

- Include construction work on or from vessels under the long service leave scheme.
- Allow eligible workers with at least 55 days of service to access pro rata leave early in cases of total and permanent incapacity, terminal illness, or death.
- Count service days while workers are stood down or on workers' compensation, addressing a previous gap where contributions were paid but service was not accrued.

Revised Interpretation

Ordinary Pay for Casual Workers

The MyLeave Board has updated how ordinary pay and ordinary hours are calculated under the *Construction Industry Portable Paid Long Service Leave Act 1985* for casual workers.

From the October–December 2025 quarter, employers must consider terms of employment and rostering arrangements to determine ordinary hours.

Where a rostered work cycle does not apply, ordinary hours are usually 38 hours per week unless terms of employment state differently.

Where a rostered work cycle applies, ordinary hours are averaged over the work cycle. The rostering calculator can be found **here** or google "MyLeave ordinary hours calculator".

Allowances paid for working ordinary hours are also now included as ordinary pay.

MyLeave will reassess claims that are dated back to December 2016 to ensure correct entitlements have been paid to workers. Employers may be contacted to provide supporting information.

These changes ensure leave and contributions accurately reflect the "work and pay of a casual employee."

Employer Refunds

Employer Refunds for Direct Payments to Workers

A review of the interaction of MyLeave's legislation with the *Long Service Leave Act 1958* has been completed.

Where a worker is registered with MyLeave, long service leave claims must generally be made by the worker through MyLeave, and employers who pay workers directly cannot usually be reimbursed.

Refunds are limited to specific situations, such as where:

- A worker is de-registered or moves to a non-eligible role before qualifying under the *Construction Industry Portable Paid Long Service Leave Act 1985 (WA)* and later becomes entitled under the *Long Service Leave Act 1958 (WA)*; or
- The employer has an obligation to pay long service leave under an industrial instrument or another Act.

Act of Grace Payments

Where employers made direct payments based on previous interpretations of the *Long Service Leave Act 1958 (WA)*, refunds may be considered as Act of Grace payments (subject to Ministerial approval) if:

- Payment was made on or before 12 November 2025;
- Application is lodged by 30 April 2026; and
- The worker was entitled under the LSL Act (10 years' service, or 7 years on termination).

Claims where entitlement requirements were not met cannot be refunded. Act of Grace applications will be processed in batches and may take longer than standard refunds.

Key MyLeave Reminders

Maintenance Work: MyLeave covers maintenance work as well as construction work, contrary to common belief, it's not limited to construction only.

Workers on Temporary Visas: All workers in WA on a working visa must be included in Quarterly Returns.

Applying for Long Service Leave: Workers can make a claim for long service leave via their Worker Portal.

Value of Assets

2019	\$632 million	\$
2020	\$605 million	\$
2022	\$599 million	\$
2023	\$610 million	\$
2024	\$637 million	\$
2025	\$686 million	\$
2021	\$674 million	\$



Follow us on Instagram, Facebook and LinkedIn!

We are trying to connect with you in more dynamic and interactive ways.

Be the first to know about the latest updates.

Find helpful reminders, tips, and advice for all your MyLeave activities.

Quick and efficient way to get in touch.

Search "MyLeave" on Instagram, Facebook and LinkedIn to like and follow our pages.

Important notices

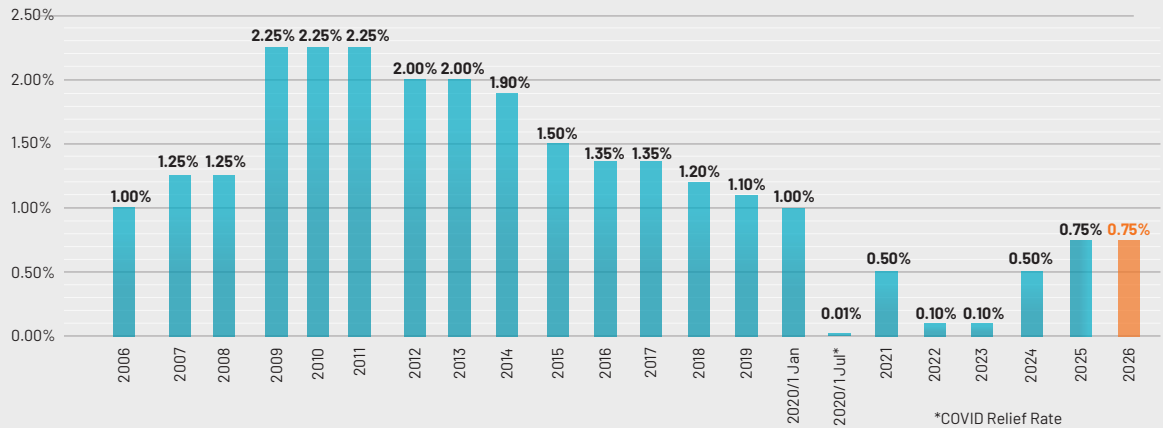


0.75% Contribution rate to apply for 2026

Following our annual review, the Contribution Levy has been maintained at 0.75% for 2026.

The rate is set using industry wage data, workforce demographics and financial projections to meet long service leave liabilities. At 0.75%, the levy remains below the estimated long-term cost of entitlements (around 1.1% per annum).

Contribution Rate over the last 20 years



Quarterly returns

Quarterly returns are available via your employer portal. We will send email reminders when your return is open and ready for submission.

If you are not receiving emails from us, please check your email spam folder and have your IT team or provider add **"noreply@lsl.myleave.wa.gov.au"** to your safe sender list to prevent our emails being marked as spam.



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

Apprentices

Employers must register and report apprentices with MyLeave. Time served as an apprentice counts toward long service leave, but no financial contributions are required. Employers must still complete quarterly returns showing service days and provide relevant employment information.

An apprentice is defined as someone under a training contract that:

1. Provides training in a classification of work referred to in a prescribed industrial instrument for the construction industry; and
2. Is registered under the *Vocational Education and Training Act 1996* (WA) or a corresponding Act from another state or territory.

Contact Us

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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 Phacek
Sandro Kolar

Representing Employers
Jo Alilovic
Kate Schick
Paula West

myleave.wa.gov.au