

Dear Members

Payments to employers under the Building and Construction Industry Long Service Payments Scheme (the Scheme)

I am writing to advise you about payments available from the Scheme to employers who have paid a worker under the recent changes to the *Long Service Leave Act 1955* (LSL Act).

The changes to the LSL Act enable an employer and worker to agree to taking long service leave for short periods, such as one or two days per week over a number of weeks. Information about the changes to the LSL Act can be found at www.industrialrelations.nsw.gov.au.

Employers may be able to claim a benefit from the Scheme if requirements set out under the *Building and Construction Industry Long Service Payments Act 1986* are met:

- The worker is already registered in the Scheme.
- Service in the Scheme has been recorded for the period in which the worker accrued the LSL Act entitlement.
- Service cannot be recorded retrospectively for an employer payment.
- The employer can apply for a payment from the Scheme *after* paying the worker.
- Payments are calculated at the base rate in the appropriate award or enterprise agreement.

In the above scenario, the Scheme will pay the employer after the service has been recorded and after the worker has been paid. The employer will need to apply separately for each payment.

The Scheme legislation does not allow payments for a period of employment in the future, so an employer is unable to be paid for long service leave taken in advance of it becoming due.

For enquiries about Scheme payments to employers, please call our Helpline on 13 14 41 or email info@longservice.nsw.gov.au.

Yours sincerely



Kathy Skuta
Director

16 April 2020