

FACT SHEET EMPLOYER COMPLIANCE

CONTRACT CLEANING INDUSTRY PORTABLE LONG SERVICE LEAVE SCHEME

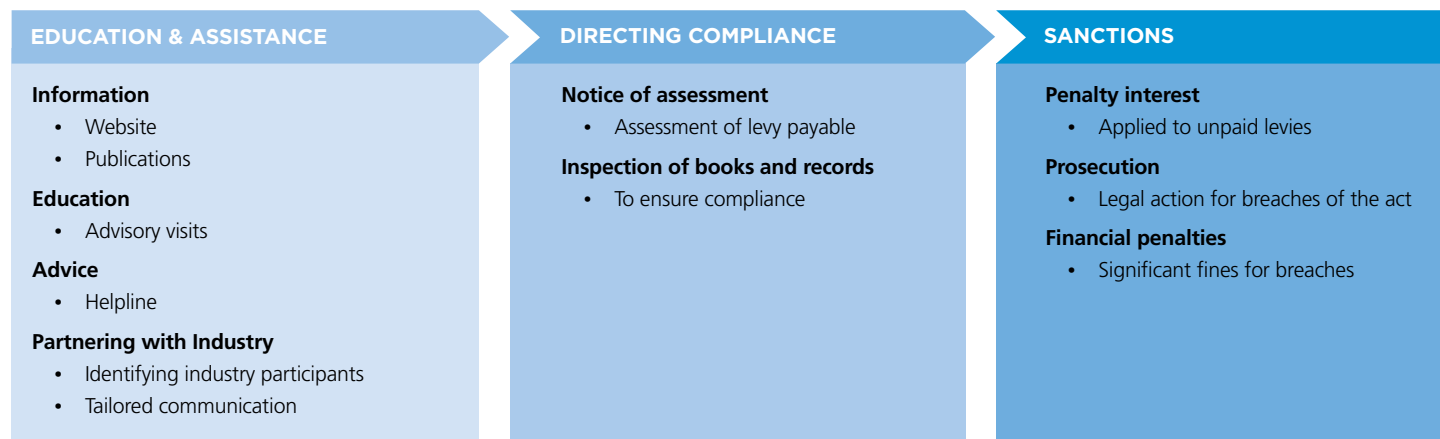


CONTRACT CLEANING INDUSTRY PORTABLE LONG SERVICE LEAVE SCHEME

The *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010* (The Act) commenced on July 2011 and provides long service entitlements to cleaning workers after 10 years of service in the cleaning industry.

The Long Service Corporation administers the Act and is responsible for ensuring contract cleaning industry employers are complying with their obligations under the Act.

THE CORPORATION'S APPROACH TO COMPLIANCE



EMPLOYER OBLIGATIONS

- Register as an employer with the Long Service Corporation
- Lodge returns for cleaning employees for each quarter
- Pay a levy of 1.7% on the gross ordinary wages reported on your quarterly return
- Keep books and records.

REGISTRATION

The Act requires employers in the contract cleaning industry to register within **1 month** from:

- The date they became an employer in the industry, or;
- The commencement of the Act, if they were an employer prior to 1 July 2011.

RETURNS

Employers are required to submit quarterly returns for cleaning employees.

- The first return will need to list all the cleaning employee's details and their gross ordinary wages for the quarter.
- On subsequent returns, employers must add any new employees onto the return and their start date; the end date of anyone who terminated during the return period; each employee's gross ordinary wages for that return period.

THERE ARE 4 RETURNS TO BE COMPLETED EACH YEAR

RETURN PERIOD	DEADLINE FOR LODGEMENT OF RETURNS
1 January to 31 March	14 April
1 April to 30 June	14 July
1 July to 30 September	14 October
1 October to 31 December	14 January

LEVY

The levy is calculated at 1.7% of the gross ordinary wages paid to their employees during that quarter, and is due on the same day as the return.

KEEPING BOOKS AND RECORDS

An employer must keep the following records:

- Worker's name and date of birth
- Worker's registration number with the scheme
- A description of the work carried out by the worker
- Worker's gross ordinary wages for each return period
- Number of days worked in each return period
- Date the worker started/commenced service
- Date the worker ceased employment
- Records of any long service leave provided to the worker

Employers are required to keep their records for seven (7) years after a worker ceases employment.

NEED HELP?

Call us on 13 14 41

Mon to Fri: 8:30am – 5:00pm

Email info@longservice.nsw.gov.au

Go to www.longservice.nsw.gov.au

COMPLIANCE & ENFORCEMENT

COMPLIANCE AND ENFORCEMENT TOOLS

The tools that are available to the Corporation's Inspectors include:

- Giving advice and seeking voluntary compliance
- Conducting inspections of employer's records
- Issuing legal notice(s) to produce records
- Issuing assessment of unpaid levy
- Application of penalty interest on unpaid levies
- Prosecution action

INSPECTOR POWERS

Inspectors have significant powers under the Act and Regulations and are authorised to enter any business premises at any time to determine whether any workers in the contract cleaning industry are employed or engaged there.

Inspectors are also authorised to inspect books and records to determine whether an employer has breached their obligations under the Act.

NOTICES

Inspectors have the power to issue a number of legal notices. The aim of issuing notices is to ensure that non-compliance with obligations under the Act & Regulations is minimised.

Inspectors may issue a 'Notice to Inspect' books, documents and records for inspection at a nominated date, time and place. These notices are not penalty measures however, where not complied with, prosecution action (for failing to comply with the Notice) may be taken.

A Levy Assessment Notice may be issued where the relevant levy has not been paid.

Where there is a failure to comply with an Inspector's notice, the Corporation may seek to prosecute the party to whom the notice was directed.

INSPECTIONS

Audits can be conducted at either the employer's premises or other location nominated by the Corporation. Employers are advised what records are required for inspection. These records are checked to ensure accuracy of service lodged for periods of work, type of work performed and eligibility as well as ensuring that all eligible workers are included.

! PENALTIES APPLY FOR FAILING TO MEET YOUR LEGISLATIVE OBLIGATIONS

The following penalties apply for failing to meet your legislative obligations.

- Failure by a person who becomes an employer on or after 1 July 2011 to register as an employer within one (1) month. **Maximum Penalty \$5,500.**
- Failure by a person who is an employer before 1 July 2011 to register within one month of commencement of the Act. **Maximum Penalty \$5,500.**
- Failure by an employer to register a worker within 14 days after the end of the 3 month return period. **Maximum Penalty \$2,200.**
- Failure by an employer to provide the following information on the quarterly return (a) total ordinary wages paid, (b) commencement date, (c) ceased date. **Maximum penalty \$4,400.**
- Failure to keep written records showing relevant particulars for each worker who performs cleaning work. **Maximum penalty \$2,200.**
- Failure to keep written records for seven (7) years after the worker ceased employment. **Maximum penalty \$2,200.**
- Failure to pay the levy. **Maximum penalty \$2,200.**
- Failure to pay an additional levy due to a variation of ordinary wages, as determined by the Corporation, within one month or as the Corporation allows. **Maximum penalty \$2,200.**
- A person must not willfully obstruct, delay or hinder an inspector in the exercise of the inspector's powers or refuse to allow an inspector to enter any premises the inspector may lawfully enter. **Maximum penalty \$5,500.**
- For a person who provides false or misleading information to the Corporation. **Maximum penalty \$5,500.**

