

# Building and Construction Industry WORKER GUIDE

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## What is long service leave?

Long service leave is an entitlement available to most NSW workers, where they can take two (2) months of paid leave after they've worked for the same employer for 10 consecutive years. Then every five (5) years of service after that they can take one (1) month of paid leave.

Conditions for eligibility and granting of long service leave in NSW are governed by the [Long Service Leave Act 1955](#) and is administered by [Industrial Relations](#).

## What is portable long service?

The Long Service Corporation (LSC) provides a long service payment to workers who have a minimum 10 years of recorded service in the NSW building and construction industry, then every five (5) years of recorded service, regardless of whether they've worked for multiple employers or as a contractor.

Conditions for eligibility and granting of a lump sum long service payment in NSW are governed by the [Building and Construction Industry Long Service Payments Act 1986 No 19](#). For further information see [Scheme Overview](#).

## What is the difference?

Workers who are eligible for an entitlement under both Acts can choose to take paid leave through their employer or a lump sum payment from LSC. The payment amount will differ depending on how the worker chooses to take it and when.

Workers who've received an entitlement from their employer under the Long Service Leave Act 1955 aren't eligible to claim an entitlement from LSC for the same period.

Superannuation and redundancy are often mistaken for long service entitlements, however they're not the same.

## How does it work?

Employers need to register and record service with LSC for employees who are doing eligible building and construction work in NSW. For further information on employer obligations see [Your Legal Obligations](#).

Contractors need to have a registered tax agent lodge a Self-Employed Worker Certificate of Service each financial year.

A year of recorded service is equal to 220 days. This is calculated by deducting weekends, annual leave, sick leave, public holidays and industry picnic days. For further information see [Get Service Credits](#).

## How much does it cost?

There's no cost to employers or workers as the scheme is funded by a levy on building and construction work in NSW where a cost of works is \$250,000 and above and paid by the person having the building work done. For further information see [Long service levy](#).

## What do I have to do?

**Worker registration number** – Whenever you start a new job, you'll need to provide your LSC worker registration number and your personal email address to your employer so they can record service for you each year. If you're a contractor your tax agent will need to record your service. For further information see [Joining the Scheme](#).

# Long Service Corporation

**Annual Statement** – Your annual statement is made available via the Worker Portal every financial year. It's important that you check your annual statement to ensure all your eligible NSW building and construction work has been recorded. For further information see [Annual Statements](#).

If you receive more than one annual statement notification, this usually means you have more than one registration. If you do have more than one registration number, you can let us know via the [Worker Portal](#) or contact us online.

**Worker Portal** – Register for access to the portal to check your recorded service at any time and to ensure your contact details are correct. Visit [www.longservice.nsw.gov.au/online-services](http://www.longservice.nsw.gov.au/online-services) to register.

**Check your recorded service** – Ensure all your NSW building and construction work is recorded correctly. If you've been unable to work, check if you're eligible for non-service days, special credits or a long service payment. If you have less than five (5) years of service recorded and no service recorded for four (4) years, your registration may be cancelled. To prevent possible cancellation, you'll need to keep us updated about your circumstances. For further information see [Cancellation of registration](#).

## Type of work covered

Eligible workers are employees and contractors (whether an employee, contractor, apprentice, casual or labour hire) who perform work in NSW in the building and construction industry.

Workers need to meet the following three (3) part test:

1. Must be in the private sector
2. Perform work in NSW in the building and construction industry as defined by the [Building and Construction Industry Long Service Payments Act 1986 No.19](#)
3. Perform work for which a rate of pay is fixed under an award prescribed in the [Building and Construction Industry Long Service Payments Regulation 2022](#).

**Note:** If a type of work has a rate of pay in a prescribed award, that doesn't automatically make the work eligible for the scheme, the work has to pass the three (3) part test. For further information see [Type of Work Covered](#).

## Work on Commonwealth places

As Commonwealth places fall under the jurisdiction of the Commonwealth Government, work conducted on Commonwealth places cannot be credited under the NSW Building and Construction Industry Long Service Payments Act, administered by LSC and we are working with the Commonwealth Government to resolve this. For further information see [Commonwealth places](#).

## Working outside NSW

Each state and territory have their own portable scheme. Workers performing building and construction work outside of NSW may be eligible to register and record service credits with the state or territory where the work was done. For further information see [Working outside NSW](#).

## When can I apply for a payment?

You can apply for a long service payment after a minimum of:

- 10 years of service, and then every five (5) years after that, and staying in the industry
- 5 or more years recorded service, and permanently ceasing work in the industry
- 55 or more days recorded service, and totally and permanently incapacitated for work in the industry
- 55 or more days recorded service, and retired from the industry at age 55 or more
- 55 or more days recorded service, retired from the industry, and been granted a veteran's pension
- The next of kin or the estate of a deceased worker can claim where there's a minimum of 55 days recorded service.

This can be a combination of service recorded across all states and territories, however the application for payment must be issued and lodged to the scheme where the most recent service is recorded. For further information see [Long service payment](#).

## Missing service

You can apply for recognition of past work on the Worker Portal and provide suitable evidence. For more information see [Suitable Evidence](#).

**Important** – Proof of employment documentation must show suitable evidence satisfying all of the following:

1. **Work performed during the period applied for** – Description of the type of work you performed
2. **Employment through the period applied for** – Entire employment period (including evidence of employment throughout each financial year)
3. **The employer details** – Employer name and ABN
4. **The worker details** – Your full name.

## Appeals

Workers or personal representatives of a deceased worker may appeal to the independent Building and Construction Long Service Payments Committee against certain decisions made by LSC, such as:

- Rejecting a worker's service
- Rejecting or cancelling a worker's registration
- Refusing to add service credits.

There's no right of appeal for the following decisions:

- Rate of pay applied to a long service payment (except as provided for under s.50A)
- Refusal to backdate a worker registration
- Refusal to restore a cancelled registration
- Cancellation of a registration following a claim (leaving, medical incapacity, age retirement, deceased) or voluntary cancellation
- Refusal to credit service for periods of work prior to worker registration date
- Refusal to credit service to a worker's record when the status is not active
- Refusal to accept service preservation requests.

An appeal must be lodged within 42 days of the date of notification of the decision.

The Committee Chairperson may accept an appeal within six (6) months of LSC's notification of a decision if they consider that exceptional circumstances exist. An appeal can't be lodged more than six (6) months after the date of notification of the decision. For further information see [Appealing Corporation's Decisions](#).