

WHAT IS THE PORTABLE LONG SERVICE LEAVE SCHEME

The *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010* (the Act) commenced on 1 July 2011. The scheme provides a portable long service entitlement to workers who have performed work in the NSW contract cleaning industry for ten (10) years, regardless of whether they have worked for multiple employers or as a contractor. The Long Service Corporation (the Corporation) is the statutory body established by the NSW Government to administer the portable long service scheme.

WHO IS COVERED BY THE ACT

The scheme covers employees and contractors (including casuals) who perform cleaning work in the contract cleaning industry. For further information regarding scheme eligibility, see [Work Covered by the Scheme](#).

WHO IS NOT COVERED BY THE ACT

The scheme does not cover workers who are: employed solely to supervise cleaning workers; office staff; a partner in a partnership, a director of a company, a trustee of a trust; employees of Commonwealth, State, Territory or Local Government bodies; employees who clean their employer's premises. For further information, see [Work Covered by the Scheme](#).

WHO IS AN EMPLOYER

Employers in the NSW contract cleaning industry who engage one or more employees to perform cleaning work for another party. Contracts may be verbal or written.

EMPLOYER REGISTRATION

An employer with employees performing eligible cleaning work in NSW, must register as an employer with the scheme. Employers are required to register with the Corporation within one month of becoming eligible to be registered. To register, complete the [Employer Registration Application](#) form and return it to the Corporation.

EMPLOYER RETURN

Employers are required to lodge returns on a quarterly basis detailing the total gross ordinary wages paid to each employee during the return period. The period of employment and wages paid are recorded as service credits which accrue towards a long service leave entitlement for the employee. Employer Returns can be completed via the [Employer Online Services](#). For further information, see [Employer Returns](#).

PAYING THE LEVY

Employers must pay a levy based on the gross ordinary wages reported on the Employer Return. The levy collected is invested and the accumulated funds pay workers' long service leave claims. For further information on the current levy rate and the definition of ordinary wages, see [Employer Returns](#).

WORKING OUTSIDE OF NSW

The scheme only covers work performed in NSW. All work performed interstate should be recorded with the scheme in that state or territory (where applicable). Details for each state and territory's scheme can be found on the [AusLeave](#) website.

CONTRACT CLEANING INDUSTRY

EMPLOYER GUIDE

PAYING LONG SERVICE TO AN EMPLOYEE

Before making a payment to an employee under the *Long Service Leave Act 1955*, the employer must notify the Corporation. An Employer Claim form will then be issued for the employer to complete and return with evidence of payment for that period. For information about an employer's obligations under the *Long Service Leave Act 1955* contact the [NSW Office of Industrial Relations](#) on **13 16 28**.

An employee cannot receive a payment from the Corporation for the same period that has been paid to them by their employer. For further information, see [Before you make a payment](#).

APPEALS

An employer can appeal to the independent Contract Cleaning Industry Long Service Leave Committee if the Corporation has: refused an application for registration as an employer; cancelled an employer's registration; refused an application to register a worker; refused to grant an exemption or revoked an exemption from lodging a return; refused to grant an extension of time to pay a levy; refused to waive or reduce interest on unpaid levies; made an assessment on an unpaid levy. For further information, see [Appealing Corporation's Decisions](#).

KEEPING BOOKS AND RECORDS

Records must be kept for each employee including: name, date of birth and registration number; work performed; worker's gross ordinary wages for each return period; date worker commenced service/ceased service; records of any long service leave provided to the employee. For further information, see [Records to be kept](#).

Records must be retained for eligible employees for seven years after the employee ceases employment. Inspectors from the Corporation are authorised to enter business premises to audit books and records.

PENALTIES UNDER THE ACT

Penalties between \$2,200 to \$11,000 may apply to: employers who do not comply with the Act, provide misleading information; obstruct an Inspector from carrying out their duties. For further information, see [Penalties](#).



INTERPRETER SERVICES

If you need an interpreter, call **TIS National** on **13 14 50** and ask them to call **Long Service Corporation** on **13 14 41** or for more information visit: www.tisnational.gov.au

