



Subject: **Recognition of absences on workers compensation for portable long service leave accrual purposes**

References: *Construction Industry Long Service Leave and Benefits Act 2005:*

Section 6 – Definitions, “day of service”, “construction work”, “LSL” credits”, “qualifying service”

Section 7 – construction work

Section 15(3) – day of service

Section 16(2) – LSL credits

Section 15 – qualifying service

Construction Industry Long Service Leave and Benefits Determinations

Determination 4 – Qualifying service

Policy: This policy sets out guidelines for the treatment of worker's compensation absences in relation to the accrual of a LSL entitlements under the *Construction Industry Long Service Leave and Benefits Act 2005* (the CILSLB Act).

1. Every day a registered worker or registered contractor receives a worker's compensation payment in respect of a workers compensation injury is recognised as a day of qualifying service in accordance with section 15 of the CILSLB Act, as follows:

Period of incapacity while receiving a workers compensation payment	Amount recognised as Qualifying Service for LSL Purposes
For the first 26 weeks of incapacity	1 day of incapacity where a registered worker receives a workers compensation payment is equivalent to 1 day of qualifying service (up to a maximum of 156 qualifying service days for the January to June period

	and 158 qualifying service days for the July to December period)
For the period after the first 26 weeks of incapacity up to a maximum of 260 weeks of incapacity.	1 day of incapacity where a registered worker receives a workers compensation payment is equivalent to 0.75 of 1 day of qualifying service (capped at 220 days for every financial year). For administration and recording purposes, this will be recorded by NT Build utilising the following approach as set out in this example: 65 days of incapacity x 0.75 = 48.75 qualifying service days. This will be rounded up to 49 days of qualifying service days.

2. A registered worker or registered contractor who is temporarily not working in the building and construction industry may still be able to have qualifying service credited if they are performing alternative light duties, including undergoing retraining to non-construction duties (e.g. administrative work, etc), as a result of a rehabilitation programme directly related to their approved compensable injury.
3. Eligibility for continued recognition of qualifying service while receiving workers compensation for an injury under the NT Build scheme will stop when the earliest of the following occurs:
 - i. when workers compensation payments cease;
 - ii. the expiration of a 260 week period of incapacity;
 - iii. the date a registered worker or registered contractor is assessed as being totally incapacitated or permanently impaired; or

- iv. where a worker is retrained and permanently transferred to non-construction duties.

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