



## Update - March 2020

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#### Entitlement Statistics for: February 2020

- Total entitlements paid: 103
- Total value of entitlements paid: \$809,569.36
- Average weekly rate paid for all entitlements: \$1,224.34

#### Average weekly rates paid to specific trades:

Boilermaker/Welder:	\$1,291.12
Bricklayer:	\$1,168.52
Carpenter:	\$1,220.75
Carpet layer:	\$944.30
Concrete:	\$1,020.19
Electrician:	\$1,430.39
Glazier:	\$962.48
Joiner:	\$1,183.06
Labourer:	\$999.25
Landscaper:	\$1,257.33
Painter:	\$993.42
Plant Oper:	\$1,196.14
Plasterer:	\$1,211.32
Plumber:	\$1,384.91
Rigger/Scaffolder:	\$910.87
Roadmaker:	\$1,307.60
Sheetmetal Wkr:	\$1,137.00

*The weekly rates are an average of the rates actually paid by TasBuild to employees taking an entitlement during the subject month. The weekly rates paid have been calculated in accordance with the requirements of the Act and the Rules of the Fund. In general terms the rates represent the ordinary weekly amount payable to the employee and do not include site specific or other various compensatory allowances.*

### Coronavirus - COVID-19.

The Coronavirus has certainly had a dramatic impact with things changing by the minute.

TasBuild is fortunate in that we have a small office with a small workforce, as such we don't expect to be impacted by current or future events to any significant degree.

Whilst this is our expectation we are/have put in place contingency plans in the event of deteriorating circumstances and staff illness. Our goal is to ensure it is business as usual for Employers and Workers when dealing with TasBuild, despite the changes made behind the scenes.

The outfall from the various virus related issues is manifesting in ways never contemplated and its impact on businesses is many and varied.

Where your business is experiencing issues that impact on your ability to comply with your long service obligations, please contact TasBuild to discuss.

**Chris Atkins CEO**

### Worker Information Updating.

The Employer Portal in wCRM provides more administrative features than the system previously in use. Apart from submitting monthly and quarterly returns employers are able to terminate workers with a prior termination date using the three dots to the far right of the return, as per previous Employer Updates.

The Primary Contact as per your employer file can also add new Employer Contacts, update details or make previous contacts inactive.

The Primary Contact can also edit and update the details of workers such as the Employment Type details (casual or full-time).

To do this click on the Worker Tab, located just below the Return Tab, in the Portal to access your worker's details.

We encourage employers to utilise these additional features, where appropriate.

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*The information contained in this Update is of a general nature and does not constitute legal advice. We encourage you to seek your own professional advice to find out how the Construction Industry (Long Service) Act applies to you.*

## ***Employing Contractors for labour only.***

### **Contractors engaged wholly or principally for their labour are “employees” for the purposes of the Rules of the Construction Industry Long Service Fund (the Rules)**

As previously advised, TasBuild has been focusing resources to review the employment relationships where persons are engaged ***“(ii) under a contract that is wholly or principally for the labour of the person;”***

Anecdotally, it appears that there is limited use of written contracts where sole traders are employed. The parties rely on verbal contracts to establish the details of their contract. Where verbal contracts are used, it is sometimes very difficult to establish the actual conditions of engagement. Often when tested, it appears that the memory of one party, as to what was agreed is somewhat different to what the other party intended.

In these circumstances TasBuild is left to make a decision based on scant or at times unreliable information. When reviewing these matters the actual actions of the parties performing the contract is given weight in the decision making process.

Considering the above, TasBuild would urge all head contractors to review their labour engagement practices. Where you employ sole traders we urge you to use a written contract that clearly provides details of the agreement between the parties. Where such a contract is used, and subject to a number of other legal requirements, we will rely on that written contract as evidence of the relationship between the Principal Contractor and the Sole Trader.

It is our experience that the ‘standard form’ contracts available from Industry Associations, or Lawyers etc. are suitable for these types of engagements.

Note for the purposes of this information we are referencing sole traders only. Where the contractor is a sole trader who is an employer in their own right, a partnership or an incorporated organisation, this information does not apply.

TasBuild staff are available to provide education sessions for both employers and employees. Should you or your workers wish to take up this opportunity they should contact TasBuild on 03 6294 0807.

## ***Return Lodgement—Invoicing.***

Please note; when lodging an Employer Return on the portal, an invoice is automatically generated.

The due date for the invoice will be the end of the month following the Return lodgement.

This means that if a return is lodged early (before the end of the return month), then the invoice will be due for payment a month earlier than if the return was lodged in the month it was due to be lodged.

e.g. March return submitted on 31/3 will generate an invoice to be paid by 30/4. But a March return submitted on 1/4 will generate an invoice to be paid by 31/5.