

Annual Leave and the need for reform

I am writing to formally raise a matter of critical importance that affects thousands of Australians working in the construction industry—an industry that remains one of the most gruelling, hazardous, and undervalued sectors in terms of employee entitlements.

It is time to urgently revisit the national standard for annual leave. I am calling for a policy review and increase to the minimum annual leave entitlement for this industry—from four (4) weeks to at least six (6) weeks per year for all employees, both site-based and office-based.

This is not a trivial request. It is a necessary correction to a long-standing oversight that continues to compromise the physical safety, mental wellbeing, and family lives of our workforce.

The Reality on the Ground

Construction work is not comparable to the average 9-to-5 job. Workers in this industry routinely clock 50–60 hours per week, performing under high physical strain and mental pressure. These conditions—often dismissed as "just part of the job", have profound human consequences: burnout, mental health deterioration, family breakdowns, and in some tragic instances, serious injury or death.

Fatigue is not a theoretical concern. It is a legally recognised workplace hazard. In the landmark case *Kerle v BM Alliance Coal Operations Pty Ltd (2016)*, the Queensland Supreme Court held the employer liable after a fatigued worker was seriously injured while driving home from a 12-hour shift. The court explicitly found that employers cannot rely on workers to self-manage fatigue—responsibility lies with the organisation to implement safe rostering and adequate rest periods.

Similarly, the NSW Supreme Court recently awarded damages to a coal miner who suffered a traumatic brain injury in a post-shift vehicle accident. The Court found that fatigue-induced inattention was the "necessary condition" of the incident and that the employer's failure to manage shift impacts constituted negligence.

These are not isolated cases. According to Safe Work Australia, fatigue contributes to approximately 20% of workplace accidents—especially in high-risk industries like construction. The emotional cost is enormous. The financial and legal risk to employers is growing.

The Case for Change

1. Health & Safety Cannot Be Optional

Increasing annual leave from four to six weeks will provide workers with critically needed time for recovery. It is a proactive measure that directly reduces fatigue-related incidents—protecting lives, reducing workers' compensation claims, and satisfying employer obligations under WHS legislation.

2. Productivity Through Recovery

Rested workers return to the site safer, sharper, and more focused. This leads to improved productivity, reduced rework, and fewer safety breaches. Time off is not a cost, it is a safeguard and performance multiplier.

3. Retention and Workforce Stability

The sector is battling skill shortages and high turnover. Enhanced leave entitlements improve morale, support mental wellbeing, and send a clear message that our industry respects its people. We cannot continue to lose talent because the work breaks them before they break even.

4. Reflecting Reality: Accrue Leave Based on Actual Hours

The current 38-hour base for annual leave accrual does not reflect the lived reality of this workforce. A fairer approach may be to accrue leave based on actual hours worked—especially when weeks routinely stretch beyond 50 hours. Without this adjustment, we are rewarding long hours with insufficient rest.

5. Aligning with Best Practice

Other safety-critical industries have extended leave allowances in recognition of fatigue risks. The construction sector should be no exception. We demand so much from our workers—yet offer them outdated minimums in return.

A Reform That Supports Growth, Retention and Attraction

Increasing annual leave entitlements is not simply a matter of fairness, it is a strategic investment in the future of the construction industry.

1. Retention: Holding onto the Skilled Workers We Already Have

The reality is that many of our most experienced workers are leaving the industry, not due to lack of capability or passion—but because the work is unsustainable under current conditions. A large portion of mid-to-late career workers are either:

- **Scaling back their hours** due to burnout;
- **Exiting early** for less demanding industries; or
- **Declining opportunities** for progression due to the personal toll.

By extending leave entitlements, we can reduce burnout, allow for proper recovery, and preserve our existing talent base — the very people who mentor younger workers, uphold safety standards, and drive project continuity.

2. Attraction: Appealing to a New Generation of Workers

Construction is competing for talent against sectors that offer better work-life balance, more flexibility, and increasingly, progressive leave policies. To attract the next generation of workers, including more women, career changers, and younger Australians. We must offer conditions that support a sustainable lifestyle, not just a pay cheque.

Expanding annual leave entitlements signals to prospective workers that:

- We understand the cost of the job;
- We value human wellbeing as much as output; and
- We are willing to modernise our employment conditions to remain competitive.

This is particularly vital in an era where cultural values around work are shifting, flexibility, mental health support, and time away from work are increasingly non-negotiable for high-quality candidates.

3. Industry Reputation: Shaping Construction as a Career of Choice

Without decisive action, the construction industry risks cementing its reputation as a “burnout sector”, high pay, but higher cost. But with policy reform that recognises and supports worker wellbeing, we can reposition the industry as a career of opportunity, stability, and longevity.

Reform sends a message to schools, trade institutions, government partners, and the broader workforce that construction is an industry that takes care of its people. And people are our most critical resource.

4. Economic Stability and Project Delivery

The skills shortage is not an abstract issue, it’s already impacting productivity, project timeframes, and cost blowouts across civil, residential, and commercial sectors. Burned-out workforces cannot sustain the level of output the economy demands.

By reforming leave and workforce entitlements now, we’re giving our current people a reason to stay, and giving future workers a reason to join. This is essential to:

- Maintain productivity;
- Avoid project delays;
- Reduce contractor churn; and
- Ensure safety and quality benchmarks are met.

In Summary: A Necessary Step Toward a Sustainable Workforce

Without real change, we risk exhausting our people faster than we can replace them. But with thoughtful reform, particularly by extending annual leave and modernising accrual systems, we can:

- Retain institutional knowledge,
- Rebuild our talent pipeline,
- Improve industry morale, and
- Bolster long-term productivity and safety outcomes.

The cost of doing nothing is rising. The benefits of action are immediate and generational.

A personal note:

This is not just a policy issue; it is a workforce health crisis. As a Human Resources Manager in the construction sector, I see the toll this takes on people every day. I see the burnout. I see the relationship breakdowns. I see loyal, capable workers pushed to breaking point, not because they lack commitment, but because the system does not allow them to recover.

Many of our employees are missing key family milestones. Some are managing chronic stress. Others are simply walking away from the industry altogether. These are not anomalies, they are patterns. Patterns that can, and must, be addressed.

We cannot continue to ignore the human cost of outdated entitlements. The case law is clear. The risks are real. And the solution, extended annual leave and modernised accrual—is within reach.

Gone are the days of “Standard 38-hour work week” – this phrase is simply archaic and in desperate need of renewal.

I urge the Commission to treat this matter with the seriousness it demands. The wellbeing of thousands of construction workers, and the sustainability of the industry itself—depends on reform that reflects the true demands of the job.

Yours sincerely,

A Construction Industry Professional

(20+ years of service and counting the cost—both personally and commercially)