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| Long Service Leave in Victoria |
| Fact Sheet No. 1The basics |



The *Long Service Leave Act 2018* (LSL Act 2018) commenced operation on 1 November 2018. It replaces the *Long Service Leave Act 1992*, following a legislative review, and broad industry and community consultation. The LSL Act 2018 brings long service leave into line with community standards, is easier to understand, and is fairer and more flexible.

The LSL Act 2018 covers most Victorian employees. However, the LSL Act 2018 will not apply to certain employees who are covered by federal enterprise agreements or pre-reform awards, or by other Victorian legislation that includes long service leave entitlements, e.g. the *Construction Industry Long Service Leave Act 1997* administered by CoINVEST for workers in the construction industry.

**These fact sheets are a summary only and must be read in conjunction with more detailed information including the *Comprehensive Guide to the Long Service Leave Act 2018* and the LSL Act 2018 to establish whether it applies to your individual circumstances.**

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| Provision | Application |
| The Long Service Leave Act 2018 applies to | Most Victorian employees (excluding employees under some Commonwealth enterprise agreements and pre-reform awards, and certain other Victorian laws) |
| Categories/types of employ generally covered include | Full timePart timeCasualSeasonalFixed term |
| Entitlement | After completing a minimum of 7 years ‘continuous employment’ with ‘one employer’, an employee is entitled to an amount of long service leave on ordinary pay equal to 1/60th of the period of employment (approx. 6.1 weeks after 7 years), less any period taken during that period, which continues to accrue at the same rate thereafter. |
| Entitlement on termination | Same as the entitlement to take leave, except that the employee with a minimum of 7 years continuous employment with ‘one employer’ is instead entitled to payment for an amount of long service leave. The payment must be made to the employee on the day employment ends. |
| Calculation of payment | LSL paid at ‘ordinary pay’. If hours changed or no fixed hours or if no ordinary time rate of pay, averaging is required. |

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| Taking long service leave | Requests to take leave any time after 7 years to be granted as soon as practicable. Employer can direct an employee to take leave via 12 weeks written notice. |
| Method of taking leave | Taken in any period of not less than 1 day, can be taken at half pay |
| Work during long service leave | Prohibited |
| Cashing out | Prohibited |
| Contracting out | Prohibited |
| Leave and absences break service | See Fact Sheet No. 6 – Accrual of long service leave – impact of leave, absences and interruptions |
| Leave and absences that count for employment | See Fact Sheet No. 6 – Accrual of long service leave – impact of leave, absences and interruptions |
| Record keeping | Employer must keep records during employment and retain for 7 years following termination  |
| Authorised officers | Powers to require records |
| Employees | Right to request a long service leave record |
| Penalties | Apply to individuals and body corporates |

#### For more information, see our Comprehensive Guide

The Victorian Government has published a *Comprehensive Guide to the Victorian Long Service Leave Act 2018*. This replaces the 1992 version and will make it easy for employers and employees to understand their rights and obligations.

The 2018 Comprehensive Guide is available to download at [business.vic.gov.au/longserviceleave](https://business.vic.gov.au/longserviceleave) or call **1800 287 287** for a copy.

#### Wage Inspectorate contact details

Website [business.vic.gov.au/longserviceleave](https://business.vic.gov.au/longserviceleave)

Email longserviceleave@dpc.vic.gov.au

Phone 1800 287 287

Facsimile 9651 9703

Wage Inspectorate Victoria

Department of Premier and Cabinet

GPO Box 2392

Melbourne VICTORIA 3001

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