

The Victorian Long Service Leave Act 2018

Fact Sheet No. 1 The basics

The new *Long Service Leave Act 2018* (LSL Act 2018) commences 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.

This fact sheet is a summary only and must be read in conjunction with more detailed information including the revised *Comprehensive Guide to the Long Service Leave Act 2018* (from 1 November 2018) and the LSL Act 2018 to establish whether it applies to your individual circumstances.

Provision	Application
The <i>Long Service Leave Act 2018</i> 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 time Part time Casual Seasonal Fixed 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 1/60 th 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.
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

More Information - Access the new Comprehensive Guide from 1 November 2018

The Victorian Government has published a new *Comprehensive Guide to the Victorian Long Service Leave Act 2018* ('2018 Comprehensive Guide') which will become available from 1 November 2018. This replaces the 1992 version and will make it easy for employers and employees to understand their rights and obligations.

From 1 November 2018 the 2018 Comprehensive Guide is available to download at: business.vic.gov.au/longserviceleave or call 1800 287 287 for a copy.

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