

## LONG SERVICE LEAVE

Long Service Leave is a period of paid leave granted to an employee in recognition of a long period of service to an employer. Entitlements for long service leave are provided for in the Industrial Relations Act 1999.

The changes commenced on 3<sup>rd</sup> June 2001, employees are now **entitled to receive payment for pro rata long service after completing 7 years continuous service on termination.**

However, employees who have completed 7 but less than 10 years continuous service are entitled to pro rata service leave only if:

1. The employee's service is terminated by their death.
2. The employee terminates their service because of illness or incapacity or because of a domestic or other pressing necessity.
3. The employer dismisses the employee for a reason other than the employee's conduct, capacity or performance.
4. The employer unfairly dismisses the employee.

After 10 years employees are now able to take long service leave, previously 15 years continuous service had to be completed before being able to take leave.

Are casuals entitled to long service?      Yes

Do periods of absence from work count towards service?      Generally, only periods of paid leave are used in calculating the period of service to determine a long service leave entitlement. However, **long service continues to accumulate during absences on Workcover.**

Can service be broken by a period of absence from work?      The continuity of service may be broken by absence from work. However, the following does not break continuity of the employee's service.

1. Absence from work on leave granted by the employer, including illness or injury.
2. Termination of the employee's service because of illness or injury, provided the employee is re-employed by the same employer and the employee has not engaged in other work during their absence.
3. Termination of the employee's employment if the employee is re-employed by the same employer within three months.

When can long service leave transfer from one employer to another?

1. The Act provides for leave entitlements to transfer from one employer to another. For example, when a business changes hands or is sold and the new employer continues to employ any existing staff, responsibility for long service leave entitlements accumulated with the previous employer transfers to the new employer.
2. A transferred employee is entitled to all long service leave accumulated for the total periods of their employment including long service accumulated with the previous employer.
3. The transfer of entitlements also occurs if an employee is dismissed at the time the business changes hands or within the preceding month and is subsequently employed by the new employer within three months.

**PUBLIC HOLIDAYS** -      **Long service leave is exclusive of public holidays.** Therefore any public holidays falling within a period of long service must be added to the leave.

I hope this has been helpful to members, any questions on this or any other matter, contact me at the office or when I am at your workplace.