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| Long Service Leave in Victoria |
| Fact Sheet No. 2Taking long service leave |



The new 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.

**This fact sheet is 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.**

#### Entitlement to take leave after 7 years

Employees are entitled to take long service leave after a minimum of 7 years continuous employment.

The amount of leave an employee is entitled to take is calculated on one-sixtieth of the period of employment, i.e. number of weeks employment divided by 60 equals the number of weeks entitlement. For example, if an employee has worked for 7 years, convert this to weeks, divide by 60, and this equals approximately 6.1 weeks. 6.1 weeks is the long service leave entitlement at that time. (The leave amount has not changed under the new LSL Act 2018.)

#### Taking Leave

### At the employee’s request

An employee can request to take long service leave at any time after 7 years continuous employment. The employer must grant the leave as soon as practicable following the employee’s request unless the employer has ‘reasonable business grounds’ for refusing the request. The LSL Act 2018 defines what ‘reasonable business grounds’ may include. Previously an employee had to work a minimum of 10 years to be entitled to take leave. Disputes over the timing of the taking of leave can be referred to the Industrial Division of the Magistrates’ Court, either by the employer or the employee.

### At an employer’s direction

An employer may direct an employee to take leave by giving at least 12 weeks written notice. If the employee does not want to take their leave at the time nominated by the employer, they can apply to the Industrial Division of the Magistrates’ Court.

#### Period of leave

Long service leave can be taken for any period of one day or more. It could be taken all at once or for any period of not less than one day at a time.

#### Long service leave at half pay

An employee can request to take a period of long service leave for twice as long as the period to which they are entitled, at half their ordinary pay.

#### Working elsewhere while on long service leave prohibited

It is an offence to work while on long service leave. It is also an offence to knowingly employ someone who is on long service leave.

However, where an employee has more than one job (for example, two part-time jobs), the employee may continue to work at one job whilst they are on long service leave from their other job, providing they do not work during the part time hours from which they are on long service leave.

#### 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 or call 1800 287 287 for a copy.

#### Wage Inspectorate contact details

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