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| Long Service Leave in Victoria |
| Fact Sheet No. 11 Interaction between the Long Service Leave  Act 2018 (Vic) and other Long Service Leave  Legislation |



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 under more than one Act

There is the possibility that an employee may have a potential long service leave entitlement under more than one Act of Parliament.

For example, an employee may be covered by the building and construction portable long service leave scheme under the Construction Industry Long Service Leave Act 1997. Or, they may be an employee in the contract cleaning, community services, or security sectors, and so will be covered by the new portable scheme under the *Long Service Benefits Portability Act 2018* (from 1 July 2019).

#### Claim under one scheme only

In these situations, the employee still accrues service for the purposes of the LSL Act 2018*.* However, they cannot take benefits under two schemes for the same period of service.

Again, by way of example, a security guard under the new portable scheme for that industry will be credited for service for each day they work in that industry, irrespective of how many employers they have. But if that employee stays with the one employer for at least seven years, they will also have an entitlement to long service leave under the LSL Act 2018. The *Long Service Benefits Portability Act 2018* requires that the employee choose under which scheme they wish to benefit. They cannot claim an entitlement under both schemes for the one (same) period.

#### 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](file:///\\internal.vic.gov.au\DPC\HomeDirs1\viche8a\Desktop\LSL%20Factsheets\business.vic.gov.au\longserviceleave) or call 1800 287 287 for a copy.

#### Wage Inspectorate contact details

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