|  |
| --- |
| Long Service Leave in Victoria |
| Fact Sheet No. 8 Record keeping |



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.**

#### Record keeping

An employer must keep accurate records of the employee’s long service leave during the entire period of employment and retain these for at least seven years after the employment ends or the employee dies.

Records must be kept in the form (if any) prescribed by the regulations made under the Act.

It is an offence to fail to keep records in the manner prescribed by the LSL Act 2018. The penalty for this offence is 12 penalty units for a natural person, and 60 penalty units for a body corporate. If an employer is found guilty of this offence, a criminal conviction may also be recorded.

An employer must not refuse a request from an employee to provide their long service leave record. The penalty for this offence is 12 penalty units for a natural person, and 60 penalty units for a body corporate.

Authorised officers can require a person to provide information or documents to monitor compliance with the LSL Act 2018, including a long service leave record.

The *Fair Work Act 2009*, which applies to all Victorian businesses, also requires that employment records be kept, and that pay slips be provided to employees.

#### 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

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

Email [longserviceleave@dpc.vic.gov.au](mailto: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

*These documents are for information purposes only. The documents do not constitute legal advice and should not be relied upon as legal advice. Should you have any concerns or queries regarding the application of the material to your individual circumstances, you should seek your own independent legal advice.*

*The State of Victoria, as represented by the Department of Premier and Cabinet and its employees, endeavours to keep information accurate and up to date, however, does not guarantee the accuracy, reliability or currency of the material and disclaims all liability for any loss or damage caused directly or indirectly from or in connection with the use of or reliance upon the information contained within these documents.*