



Australian Government

Coal Mining Industry
(Long Service Leave Funding) Corporation



COALS The logo for COALS, where the letters 'S' and 'L' are stylized with a yellow and orange gradient.

LONG SERVICE LEAVE
IN THE BLACK COAL
MINING INDUSTRY

IT'S YOUR TIME.



INFORMATION FOR EMPLOYEES

This brochure explains the long service leave (LSL) entitlements for people working in the black coal mining industry. It takes account of changes starting 1 January 2012.

This brochure contains information about long service leave, effective 1 January 2012. It takes into account changes that were made to long service leave from this date.

WHO'S ELIGIBLE FOR LONG SERVICE LEAVE IN THE BLACK COAL MINING INDUSTRY?

All eligible employees (a definition is on page 7) working in the black coal mining industry (a definition is on page 7).

This includes these people:

- Working full-time, part time or casual
- Working for contractors
- Working for job agencies.

WHEN ARE YOU ENTITLED TO LONG SERVICE LEAVE?

You're entitled to take LSL after eight years of qualifying service. **Qualifying service** is service as an eligible employee for one or more employers. It does not include certain absences. For service since 1 January 2000, all service as an eligible employee counts towards qualifying service, unless the eligible employee stops being an eligible employee for eight continuous years or more (a break period). In most cases, any service before a break period will stop being counted as qualifying service. For service prior to 1 January 2000 to count towards qualifying service, it must be 'continuous service'.¹

You accrue LSL credits for each week during which you are an eligible employee. This means if you are a full-time or part-time employee, each week you work in the black coal mining industry as an eligible employee counts towards your qualifying service. If you are a casual employee, you accrue qualifying service in each week you're employed at any time as an eligible employee.

HOW MUCH LONG SERVICE LEAVE ARE YOU ENTITLED TO?

Full-time workers

If you have eight years qualifying service (continuous or in total) as a full-time worker you're entitled to 13 weeks LSL.

Part-time and casual workers

If your service (or part of it) was as a part-timer or casual worker, you're still entitled to LSL after eight years qualifying service. However, the amount of leave you get is based on the LSL credit you have accrued over your eight years of qualifying service (see below).

Your LSL credits accrue in house using this formula:

$$\frac{13}{416} \times \text{working hours}$$

- 13 is the number of weeks of long service leave entitlement
- 416 is the number of weeks in eight years of qualifying service.

A definition of working hours

- Full-time employee – 35 hours per week.
- Part-time employee – total number of ordinary working hours up to 35.
- Casual worker – hours worked during the week up to 35 hours per week.

How LSL entitlements accrue for full-time, part-time and casual employees.

- Full-time employee – 13 weeks after eight years qualifying service.
- Part-time employee – LSL accrues at a rate which reflects the number of ordinary hours worked each week as a proportion of 35 hours. If you worked half the hours a full-time worker worked over the same period ie 17.5 hours per week, you'll accrue half the LSL credits ie 6.5 weeks of 35 hours per week.
- Casual employee – LSL accrues at a rate which reflects the number of hours they worked in the week as a proportion of 35 hours, up to a maximum of 35.

A summary of LSL entitlements of a full-time employee

QUALIFYING SERVICE	AMOUNT OF LONG SERVICE LEAVE	
	YEARS	WEEKS
8	13	455
10	16.25	568.75
12	19.5	682.5
15	24.375	853.125
20	32.5	1137.5
25	40.625	1421.875
30	48.75	1706.25

WHAT HAPPENS IF YOUR EMPLOYMENT CHANGES?

If you resign or your employer terminates your employment, you may choose to retain your aggregate qualifying service and your accrual of LSL credits and be paid for that accrued LSL at a later date.

If you cease to be an eligible employee and at that time have become entitled to take a period of LSL, you may request your employer to pay you for your leave not taken.

If you cease to be an eligible employee because of ill health or retirement on or after age 60, and have any period of qualifying service, you may request your employer to pay you for your LSL credits.

If your employment ceases because you're made redundant and at that time have at least six years qualifying service, you can request your employer pay you for your accrued LSL credits.

If you die and at the time of death you have qualifying service, your accrued LSL credits can be paid to your estate.

WHAT ARE YOU PAID WHEN YOU GO ON LSL OR ARE PAID LSL WHEN YOU STOP BEING EMPLOYED?

If you take LSL while employed, you're entitled to be paid at your base rate of pay (including incentive-based payments) that would have been payable during your LSL.

If you're paid your accrued LSL, you're entitled to be paid as if you had taken the LSL immediately before you stopped being employed.

Your employment contract or enterprise agreement may also outline how you're paid LSL as long as the entitlement is at least as favourable as the Act.

HOW ARE QUALIFYING SERVICE AND LSL CREDITS RECORDED?

This information is recorded by Coal LSL. You can check these details.

If you think they're wrong or incomplete, you must provide evidence of this to Coal LSL.

Fair Work Australia has power to deal with some disputes between you and your employer about LSL.

OTHER THINGS THE LSL LAW COVERS

- How you apply for LSL.
- When you get paid for LSL.
- The minimum amount of LSL you can take at one time.

What is a 'waiver agreement'?

Some employees can choose to make a 'waiver agreement' with their employer and, instead of accruing LSL, can be paid or salary sacrifice into super the 'LSL Levy' that their employer would have paid for them. This agreement must be approved by Coal LSL.

What is the LSL Levy?

It's a percentage of your weekly wages paid by your employer to the Coal LSL. You can find the levy percentage at www.coallsl.com.au



DEFINITIONS

Eligible employee is a person:

- Employed in the black coal mining industry by an employer engaged in the black coal mining industry, whose duties are directly connected with the day-to-day operation of black coal mining; or
- Employed in the black coal mining industry, whose duties are carried out at or about a place where black coal is mined and are directly connected with the day-to-day operation of a black coal mine; or
- Permanently employed with a mine rescue service for the purposes of the black coal mining industry.

The black coal mining industry includes:

- The extraction or mining of black coal on a coal mining lease by means of underground or surface mining methods
- The processing of black coal at a coal handling or coal processing place on or adjacent to a coal mining lease
- The transportation of black coal on a coal mining lease
- Other work on a coal mining lease directly connected with the extraction, mining and processing of black coal.

The black coal mining industry doesn't include:

- The mining of brown coal in conjunction with the operation of a power station
- The work of employees employed in head offices or corporate administration offices of employers engaged in the black coal mining industry (but does include work in town offices associated with the day-to-day operation of a local black coal mine or mines)
- The operation of a coal export terminal
- Construction work on or adjacent to a coal mine site
- Catering and other domestic services
- Haulage of coal off a mining lease unless such haulage is to a wash plant or char plant in the vicinity of the mine
- The supply of shotfiring or other explosive services by an employer not otherwise engaged in the black coal mining industry.



MORE INFORMATION

Visit the long service website

www.coallsl.com.au

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