



Australian Government

Coal Mining Industry  
(Long Service Leave Funding) Corporation



**COALS** 

LONG SERVICE LEAVE  
IN THE BLACK COAL  
MINING INDUSTRY



# IT'S YOUR TIME.



## INFORMATION FOR EMPLOYEES

This brochure explains the long service leave 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 working in the black coal mining industry (definitions are on page 7).

This includes 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 leave 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'.<sup>1</sup>

## 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' leave.

### Part-time and casual workers

If your service (or part of it) was as a part-time or casual worker, you're still entitled to leave after eight years' qualifying service. However, the amount of leave you're entitled to is based on the leave credit you have accrued over your eight years of qualifying service (see page 4).

**Your leave credits accrue 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.

**Definition of working hours**

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

**How leave entitlements accrue**

- Full-time employee – 13 weeks after eight years’ qualifying service.
- Part-time employee – 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 i.e. 17.5 hours per week, you’ll accrue half the leave credits i.e. 6.5 weeks of 35 hours per week.
- Casual employee – accrues at a rate which reflects the number of hours worked in the week as a proportion of 35 hours, up to a maximum of 35.

**Summary of leave entitlements for a full-time employee**

QUALIFYING SERVICE	AMOUNT OF LONG SERVICE LEAVE	
	YEARS	HOURS
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 cease to be an eligible employee and at that time have become entitled to take a period of leave, you may ask your employer to pay you for your leave not taken.

If you resign or your employer terminates your employment, or you cease to be an eligible employee, you can access your leave entitlement if you have completed at least eight years of qualifying service as an eligible employee.

If you have not yet accrued eight years of qualifying service you will not be able to access your leave entitlement. However, if you recommence work as an eligible employee after a break period of less than eight continuous years, your service from prior to the break period will still be considered qualifying service.

If your employment ceases because you're made redundant and at that time have at least six years' qualifying service, you can ask your employer to pay you for your accrued leave entitlement.

If your employment ceases for other reasons, such as retirement, ill health or death, other provisions exist to enable access to your leave entitlement.

## **WHAT ARE YOU PAID WHEN YOU GO ON LEAVE OR STOP BEING EMPLOYED?**

The legislation provides your minimum entitlements for long service leave.

For payments of leave these entitlements are:

- If you take leave while employed, you are entitled to be paid at an amount equal to your base rate of pay (including incentive-based payments and bonuses) that would have been payable had you been at work (i.e. not taken the leave).
- If you are paid out your accrued leave on termination, you're entitled to be paid at a rate as if you had taken the leave immediately before you stopped being employed.

Your employment contract or enterprise agreement may provide you with an enhanced entitlement, as long as that entitlement is at least as favourable as our legislation.

## **HOW ARE QUALIFYING SERVICE AND LEAVE CREDITS RECORDED?**

This information is provided by your employer and recorded by Coal LSL.

## OTHER THINGS THE LEGISLATION COVERS

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

### **What is a 'waiver agreement'?**

Some employees can choose to make a 'waiver agreement' with their employer. Instead of accruing leave, the waiver agreement allows the levy, which your employer would normally contribute to Coal LSL, to be paid with your salary or superannuation.

### **What is the long service leave levy?**

It's an amount, based on a percentage of your wages, that is paid by your employer to Coal LSL. You can find the levy percentage at [www.coallsl.com.au](http://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**

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