

Long Service Leave Policy

For Australian Small & Medium Enterprises

Template Version 1.0 | December 2024

Important Notice

Long service leave is governed by state and territory legislation, NOT the National Employment Standards. Entitlements vary significantly between jurisdictions. This template provides general guidance only. You **MUST** check the specific legislation that applies to your business location.

1. Purpose

This policy outlines long service leave entitlements for [Company Name] employees. Long service leave rewards employees for their loyalty and length of service, providing extended time away from work.

2. Scope

This policy applies to:

- All employees who meet the qualifying service period
- Full-time, part-time and eligible casual employees

Long service leave entitlements are governed by the legislation of the state/territory where the employee is based.

3. Applicable Legislation

[Company Name] operates in [insert state/territory] and is subject to:

- [Insert applicable Act, e.g., Long Service Leave Act 1955 (NSW)]

The following provides general guidance. Always refer to the applicable legislation for specific entitlements.

4. General Entitlements by State/Territory

Note: These are general guidelines only. Check current legislation for accurate entitlements.

4.1 New South Wales

- 2 months (8.67 weeks) after 10 years of continuous service
- Additional 1 month for each 5 years after that
- Pro-rata after 5 years if employment ends

4.2 Victoria

- 1 week for every year of continuous employment
- Can be taken after 7 years
- Pro-rata after 7 years if employment ends

4.3 Queensland

- 8.67 weeks after 10 years of continuous service
- Additional 4.33 weeks for each 5 years after that
- Pro-rata after 7 years if employment ends

4.4 Western Australia

- 8.67 weeks after 10 years of continuous service
- Additional 4.33 weeks for each 5 years after that
- Pro-rata after 7 years if employment ends

4.5 South Australia

- 13 weeks after 10 years of continuous service
- Additional 1.3 weeks for each year after that
- Pro-rata after 7 years if employment ends

4.6 Tasmania

- 8.67 weeks after 10 years of continuous service
- Additional 4.33 weeks for each 5 years after that
- Pro-rata after 7 years if employment ends

4.7 Northern Territory

- 13 weeks after 10 years of continuous service
- Additional 1.3 weeks per year after that

4.8 Australian Capital Territory

- 6.07 weeks after 7 years of continuous service
- Calculated at 0.8667 weeks per year

5. Continuous Service

Continuous service generally includes:

- All time employed by [Company Name]
- Periods of paid leave
- Periods of unpaid leave that count towards service (varies by jurisdiction)
- Certain breaks in service may be bridged (check applicable legislation)

Service may be broken by:

- Termination of employment
- Extended periods of unapproved absence
- Casual employment without regular and systematic engagement

6. Requesting Long Service Leave

6.1 Notice Period

Employees should provide:

- At least [insert period, e.g., 4 weeks] notice for leave requests
- Longer notice for extended leave periods
- Written request specifying dates and duration

6.2 Approval

[Company Name] will consider:

- Operational requirements
- Staffing levels
- The employee's preferences
- Applicable legislative requirements on timing

6.3 Minimum Leave Period

- Check applicable legislation for minimum periods
- Some jurisdictions allow leave to be taken in periods of at least one week
- Agreement may be required for shorter periods

7. Payment

7.1 Rate of Pay

- Long service leave is generally paid at the ordinary rate of pay
- Check applicable legislation for specific payment requirements
- Loading, allowances and penalties may or may not be included depending on jurisdiction

7.2 Payment Timing

- May be paid in advance or during normal pay cycles
- [Company Name] will advise payment arrangements

8. Public Holidays During Leave

Treatment of public holidays during long service leave:

- Varies by state/territory
- Some jurisdictions exclude public holidays from the leave period

- Check applicable legislation

9. Illness During Leave

If an employee becomes ill during long service leave:

- Some jurisdictions allow conversion to personal leave
- Medical certificate may be required
- Check applicable legislation for specific provisions

10. Termination of Employment

10.1 Pro-Rata Entitlements

If employment ends after the threshold period (typically 5-7 years):

- Pro-rata long service leave may be payable
- Applies regardless of who terminates employment
- Calculated based on completed service

10.2 Before Threshold

If employment ends before the threshold period:

- Generally no entitlement to payment
- Some exceptions may apply (e.g., employee death)

10.3 Serious Misconduct

- Some jurisdictions allow forfeiture for serious misconduct
- Check applicable legislation

11. Record Keeping

[Company Name] will maintain records of:

- Service commencement date
- Long service leave accrued
- Long service leave taken
- Leave balances
- Payment details

12. Responsibilities

12.1 Employees

- Request leave in accordance with this policy
- Provide adequate notice
- Plan leave to minimise operational impact

12.2 Management

- Process leave requests fairly and promptly
- Maintain accurate service and leave records
- Ensure compliance with applicable legislation

13. Review

This policy will be reviewed:

- At least annually
- When state/territory legislation changes
- When business circumstances change

Employee Acknowledgement

I acknowledge that I have read and understood [Company Name]'s Long Service Leave Policy. I understand that my entitlements are governed by state/territory legislation and agree to follow the procedures for requesting leave.

Employee Name: _____

Signature: _____

Date: _____