

Policy Name: Long Service Leave

Policy Number: 2.07

Date: February 2023

POLICY STATEMENT:

JC Steele is pleased and proud to have employees stay working with us for long periods of time, and as such, encourages the use of earned Long Service Leave, so an employee may take a significant period of paid time off work for relaxation & rejuvenation purposes. Paid Long Service Leave is a legislative requirement under Australian Law. Long Service Leave is regulated by each individual state government and the state in which an employee works is the Long Service Leave legislation that applies.

PROCEDURES:

1. Eligibility & Accrual

- a. All full-time and part-time employees are eligible to accrue paid Long Service Leave in line with current Long Service Leave legislation.
- b. Generally, an employee may take Long Service Leave after the completion of seven (7) years continuous service. Part time employees can access Long Service Leave on a pro rata basis.
- c. Long Service Leave will only be accrued for continuous periods of service, ie.:
 - i. A casual employee is considered to have been continuously employed.
 - ii. Up to fifty-two (52) weeks of unpaid parental leave is included when calculating an employee's continuous employment, and unpaid parental leave in excess of fifty-two (52) weeks does not break continuity of employment.
 - iii. If an employee is re-employed within twelve (12) weeks of termination due to dismissal or resignation, expiry of a specified term contract or completion of their apprenticeship, their employment is considered to be continuous.
 - iv. If an employee's ordinary hours of employment fluctuate in the twelve (12) months before they take Long Service Leave, the hours they will be paid determined by the greater of the average hours they have worked over the past twelve (12) months or the past five (5) years.

2. Use of Long Service Leave

- a. The actual date the leave commences will be agreed between JC Steele and the employee. Employees will submit a leave application to the Managing Director at least three (3) months in advance of any planned absence. Applications are not considered approved without approval from the JC Steele Managing Director.
- b. The objective of Long Service Leave is to encourage employees to take a break from work after a significant period of service. In order to facilitate this, Long Service Leave may be taken one day at a time or for longer periods of time by mutual agreement.

- c. An employee can request deferral of their Long Service Leave. The rate of pay when the employee then takes the Long Service Leave will be the rate agreed in writing between JC Steele and the employee. The rate will not be less than the employees' ordinary rate of pay at the time the leave was due.
- d. JC Steele may direct an employee to take their Long Service Leave if the employee has not submitted a request for their Long Service Leave. In this instance, JC Steele will provide an employee with a minimum of 3 months' notice of the requirement to take part or all of their Long Service Leave.
- e. An employee and JC Steele may make an agreement which allows the employee to take a period of leave at half pay. For example, an employee with thirteen (13) weeks accrued leave could take a twenty-six (26) week break at half pay.

Taking half the leave at double pay is not permitted in Victoria however, this is acceptable under Western Australia's Long Service Leave legislation.

- f. Payments in lieu, or "cashing out" of Long Service Leave are not permitted in Victoria unless the employee is governed by an enterprise agreement allowing this arrangement which was created prior to the introduction of the Long Service Act 2018 (Vic).

While making payments in lieu of taking Long Service Leave is not encouraged by JC Steele, this arrangement is allowable under Western Australia's Long Service Leave legislation. Any agreement to cash out Long Service Leave must be in writing and signed by the employee and the Managing Director.

- g. Should a public holiday fall during a period of Long Service Leave, it will be paid as a public holiday. Long Service Leave will not be used for the public holiday.
- h. Where an employee suffers an unexpected illness or injury while on Long Service Leave which prevents them from enjoying their recreation the period of illness or injury may be treated as personal leave (sick leave). This will only occur in situations where:
 - The employee has attended a doctor and obtained a certificate for the period of illness or injury; **and**
 - The illness or injury required hospitalisation; or
 - The duration of the certified illness or injury meets or exceeds five days (including weekends).

In these situations, and where the Managing Director gives approval, an adjustment will be made to re-credit the time back in the Long Service Leave accrual and treat the period of illness as sick leave.

- i. Employees may not engage in other paid employment during any period of Long Service Leave. This is a breach of the Long Service Leave Act 2018 (Vic).
- j. Employees will receive their normal weekly payments during the period of Long Service Leave, unless there is a special request made to be paid in advance.