

## AN OVERVIEW OF LONG SERVICE LEAVE IN THE BLACK COAL MINING INDUSTRY FOR EMPLOYERS

### WHO IS COAL LSL?

Coal LSL is an Australian Government corporation established to regulate and manage long service leave entitlements on behalf of eligible employees of the black coal mining industry.

### WHO IS ELIGIBLE?

People working in the black coal mining industry are considered 'eligible employees' under the long service leave scheme if they are:

- employed by an employer engaged in the black coal mining industry and their duties are directly connected with the day-to-day operation of black coal mining; or
- employed in the black coal mining industry, and their 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; or
- a prescribed person who is employed in the black coal mining industry (does not include a person declared by the regulations not to be an eligible employee for the purposes of the Act).

This applies whether they work full time, part time, casual, contract or skill/labour hire.

### ENTITLEMENT TO LEAVE

Eligible employees are entitled to take leave after completing eight years of qualifying service. In some circumstances, such as redundancy, retirement or ill health, they are entitled to access their accrued leave earlier.

Whether you have worked for one employer or many, qualifying service is service accrued as an eligible employee throughout your employment. It does not include certain absences.

### APPLICATIONS FOR LEAVE

All leave applications are transacted through employers.

Coal LSL receives levies from employers which are invested to ensure funds are accessible when employees are entitled to take their leave.

Employees apply for leave through their employer. On approval, and after validation of entitlement by Coal LSL, the employer pays the leave entitlement to the employee then claims reimbursement from the Fund.

### EMPLOYER OBLIGATIONS

The long service leave scheme is governed by the Coal Mining Industry (Long Service Leave) Administration Act 1992, as well as other legislation, which determines who is eligible, employer obligations under the scheme and actions for non-compliance.

Employers of eligible employees must be registered with Coal LSL and fulfil their obligations under the legislation, whether their organisation (as a whole) is working in the black coal mining industry or not. This is because eligibility for the scheme is determined by assessment of an **employee's role and their primary duties**.

An employer of eligible employees has legal obligations such as:

- Submission of a monthly levy advice and payment for all eligible employees.
- Compliance with minimum leave entitlements and how quickly an employee must be paid following submission of a leave application.
- An annual audit report, within six months of the end of the financial year.

Employees may ask Coal LSL to investigate if an employer does not recognise service which they believe counts towards their entitlement. Successful applications result in amendment to the employee's leave balance to accurately reflect the service history and payment of back-levies by the employer.

### FURTHER ENQUIRIES

If you have any questions about registering your business or your obligations under the legislation, please email [query@coallsl.com.au](mailto:query@coallsl.com.au) or call us on **1300 852 625** from Monday to Friday between 8:30am and 5:00pm (AEST or AEDT when in operation).