



Australian Government

Coal Mining Industry
(Long Service Leave Funding) Corporation

COAL LSL

IT'S YOUR TIME.



Long Service Leave
in Australia's black
coal mining industry

FOR EMPLOYEES



IT'S
YOUR
TIME.

OVERVIEW

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

When you work in Australian black coal mining you have access to one of the most generous long service leave schemes of any industry in the country.

It's portable, accommodating employee movements which are common to the industry, and it's accessible after eight years' qualifying service – sooner in some cases.

A LEGISLATED SCHEME

The *Coal Mining Industry (Long Service Leave) Administration Act 1992* (Admin Act) prescribes the long service leave entitlements of eligible employees in Australia's black coal mining industry.

It determines:

- ▶ Who is eligible.
- ▶ How you accrue leave.
- ▶ When you're entitled to take your accrued leave hours.
- ▶ How you apply for leave.
- ▶ The minimum amount of leave you can take at one time.

It prescribes the minimum entitlements for long service leave:

- ▶ The amount of leave you are entitled to is based on your working hours.
- ▶ 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 paid at least monthly) 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.

Employers are obligated to comply with legislation to ensure their employees can access their accrued leave hours when entitled to do so. This includes paying a monthly levy into the scheme. The amount is based on a percentage of your eligible wages. It does not come out of your wage but is paid by your employer in addition to your salary, similar to superannuation. We securely invest levy payments to ensure funds are accessible to your employer after you're entitled to take your accrued leave hours.

Part of Coal LSL's function includes recording and maintaining your leave accrual information and ensuring employer compliance with the scheme.

Definitions provided on page 7.

WHO IS ELIGIBLE

Eligibility for this long service leave scheme is defined in Section 4 of the Admin Act.

Anyone defined as an 'eligible employee' working in the black coal mining industry is eligible for the scheme. This includes people:

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

More information and examples for assessing eligibility are available on our website.

ACCRUING LEAVE

Leave entitlements accrue in hours, based on your employment status:

- ▶ Full-time employee – 455 hours after eight years' qualifying service.
- ▶ Part-time or casual employee – accrues at a rate which reflects the number of working hours each week. The maximum accrual over eight years is the equivalent of a full-time employee.

If your employment status changes from full time to part time or casual and you work less than 35 hours per week, you will accrue leave at a rate that reflects the number of hours you work.

You can find out your current leave balance as held on our records by logging into the self-service portal from our website, submitting a request through the online Leave Balance Request form on our website or by phoning us.

WHEN YOU CAN TAKE LEAVE

To be entitled to take long service leave, you must complete **eight years of qualifying service** as an eligible employee.

There are exceptions to this timeframe when you cease to be an eligible employee due to redundancy, ill health or retirement.

Under the legislation, you are allowed a break from working in the industry of up to eight years without losing your accrued hours.



LEAVE APPLICATION AND PAYMENT

The leave application and payment process is transacted through your current or most recent employer in the industry. Provision is made in cases where an employer is insolvent.

When entitled to apply for long service leave, submit your application through an Authorised Contact in your employer's HR or payroll office. Forms are available from our website.

Your employer will approve then submit your leave application to us to verify the amount of long service leave hours you have accrued. Once verified, your employer will pay your approved leave through their usual payroll processes. After you have taken your leave, they will claim back from the Fund.



WHEN EMPLOYMENT CHANGES

- ▶ If you **resign**, 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 years, your service from prior to the break period will still be considered qualifying service.
- ▶ If your employment ceases due to **redundancy** and, at that time, you 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 early access to your leave entitlement.

MISSING SERVICE HISTORY

Missing service is any service you have worked as an eligible employee which is not reflected in records held by Coal LSL. If you think your service history record is missing periods of qualifying service, you should speak with the respective employer for the period(s) in question. If they are unable to verify your entitlement to long service leave accrual for a period(s) then you can ask Coal LSL to investigate. More information is available on our website.



DEFINITIONS

Black coal mining industry is as defined in the *Black Coal Mining Industry Award 2010*.

Eligible employee is an employee who is:

- ▶ 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.

Eligible wages are defined in Section 3B of the *Coal Mining Industry (Long Service Leave) Payroll Levy Collection Act 1992*. It is specific about which amounts are included e.g. in some circumstances an employee's overtime or penalty rates and other allowances are deemed eligible wages.

Qualifying service is service as an eligible employee of one or more employers. It does not include certain absences such as unpaid or unauthorised leave.

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