

Long Service Leave (LSL) for Casuals – Frequent Asked Questions (FAQs)

Last updated 28 July 2021

1. Why are casuals only getting an entitlement to LSL now?

The longstanding position was casuals in the WA public sector were not entitled to accrue LSL under the *Long Service Leave Act 1958 (WA)* (LSL Act). Advice from government was received on 16 September 2019 which changed the application of the LSL Act.

2. Why has there been a delay in providing my LSL entitlement?

Several matters, including the establishment of accrual rules require finalisation, including government approval, and are the subject of ongoing discussions between WA Health, central government and the unions.

Following resolution of these matters Health Support Services (HSS) will have the business rules required to make the necessary reconfigurations to payroll systems to progress implementation of LSL entitlements.

3. Who will be eligible for a historical leave balance?

All current casual, or permanent and fixed term employees with current or historical casual employment, may have an entitlement.

In accordance with the statute of limitations, employees who are no longer employed have the right to be paid their LSL entitlement six years after the date on which their employment ceased.

To avoid individuals having to make a claim, HSS will arrange payment for employees who have left the WA health system. Approval is being sought to pay LSL to any casual employee who terminated their employment with WA Health on or after 16 September 2013, which is six years prior to the date the changed advice was received (refer to FAQ 1).

4. How far back will accruals go?

Subject to FAQ 3, any service since 16 January 1996 will count towards an employees' accruals. At that date, changes were made to the LSL Act which expanded the scope of the legislation to apply to public sector employees.

5. How do I know if I am entitled to a historical LSL balance?

Subject to FAQ 2 above, all current casual employees are potentially impacted by this change. You will be contacted by HSS if you have an entitlement to LSL.

Entitlements will be subject to meeting certain criteria, including whether an employee has continuous employment throughout the accrual period.

6. How can I work out what my historical LSL balance is? How do I know what my LSL balance as a casual is / was?

HSS has your historical payroll data. Once we have received confirmation from government on the establishment of the accrual rules, we will apply these to your LSL balance and contact you.

7. When will I receive my historical LSL balance?

Once the payroll systems are reconfigured following the establishment of accrual rules, historical data can be used to determine your LSL balance. We will continue to regularly update you as implementation progresses which will include project timelines.

8. How can I apply for, and take, LSL as a casual (once the required balance has been accrued)?

In order for a current casual to apply for, and take LSL, HSS will need to reconfigure payroll systems following the establishment of accrual rules.

Once we have received confirmation from government on the establishment of the accrual rules, we will apply these to your LSL balance and contact you. This will include information on how leave can be accessed.

9. Does my industrial agreement effect my entitlement to LSL?

The following recently registered industrial agreements now provide an entitlement to LSL:

- WA Health System – Australian Nursing Federation – Registered Nurses, Midwives, Enrolled (Mental Health) and Enrolled (Mothercraft) Nurses – Industrial Agreement 2020 WA Health System Engineering and Building Services Industrial Agreement 2021
- Government Services (Miscellaneous) General Agreement 2021
- Dental Health Services – Dental Officers – CSA Industrial Agreement 2019
- Dental Health Services – Dental Technicians – CSA Industrial Agreement 2020
- WA Health Services – United Workers Union (WA) – Enrolled Nurses, Assistants in Nursing, Aboriginal and Ethnic Health Workers Industrial Agreement 2020
- WA Health – HSUWA – PACTS – Industrial Agreement 2020
- WA Health System – United Workers Union (WA) – Hospital Support Workers Industrial Agreement 2020
- Public Sector CSA General Agreement 2019

The interaction between the LSL Act and industrial agreement entitlements are the subject of ongoing discussions between WA Health, central government and the unions. HSS will subsequently apply the business rules required to make the necessary reconfigurations to payroll systems to progress implementation of LSL entitlements.

10. Will my LSL entitlements be carried over if I change my mode of employment (for example, if I change from being a permanent employee to a casual employee or vice versa) or employer (for example, if I change from one hospital to another, or from one department to another).

Yes, an accrued entitlement to LSL will be portable if you change your mode of employment or move across the WA health system and the State public sector. The specific accrual rules for LSL portability require finalisation and are the subject of ongoing discussions between WA Health, central government and the unions. Once these rules are finalised, you will be notified of your accrued entitlement.