

Template letter – COVID-19 ‘JobKeeper enabling stand down direction’ - employee notification letter

Instructions/Thought list

Only applies to businesses and employees subject to the JobKeeper scheme.

Apply on your company letterhead.

Pursuant to JobKeeper amendments to the *Fair Work Act 2009*, this letter is for giving notification to an eligible employee, who is in receipt of JobKeeper payments, that the business intends to direct the employee to stand down, either fully or partially, from their current hours and/or days of work.

The ability to give such directions will expire on 28 September 2020 (subject to further legislative amendments).

Qualifying employers can only give ‘JobKeeper enabling stand down directions’ if the employee can’t be usefully employed for their normal days or hours, or at all, because of changes to business attributable to the COVID-19 pandemic.

When an employee is subject to a JobKeeper enabling stand down direction (to not work on certain days, to work for a lesser period, or to work for a reduced number of hours), the employer must pay them either the JobKeeper payment or their usual pay for any hours that the employee does actually work – whichever is more.

Where an employee is subject to a JobKeeper enabling stand down direction to not work at all, the employer must pay the employee the JobKeeper payment during the stand down period.

It is recommended that employers provide as much clarity and detail as possible in this notification letter.

The business is required to consult with an employee (and their representative if nominated) and the required consultation must be genuine and not perfunctory. Keep detailed notes of any consultation.

This letter needs to be customised by the employer for their specific circumstances.

If in doubt on any of these issues, please seek advice before undertaking any action.

Employees who have English as a second language may require additional assistance, either directly through The Real Media Collective or an independent legal advisor.

LETTER TEXT OVERLEAF

Date

Employees name

Address 1

Address 2

Address 3

Dear [insert name],

Notification - JobKeeper enabling stand down direction

Further to our meeting [on insert date/today], this letter confirms the businesses requirement to direct you to stand down from your ordinary duties and hours of work in the following way:

- [insert clarifying details of the proposed JobKeeper related stand down direction...reduced hours/days/no hours/other.]
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This direction is effective from [insert date (at least 3 days from issuing this notification letter, unless otherwise agreed with the employee)].

Optional

At this time we are unable to advise of a specific end date for this direction.

Or

This direction will cease effective from [insert date]. At that time it is expected you will return to your pre-direction hours/days of work.

We will regularly communicate with you after the effective commencement date of the direction to keep you apprised of any changes and developments that may affect the direction.

During the period of the direction you will receive [the JobKeeper payment/your usual pay for your adjusted hours of work].

Our business is committed to consulting with you regarding this direction, and as required under the terms of the *Fair Work Act 2009*. We intend to consult further with you before the effective date of the direction and welcome any queries you may have.

Optional

You may appoint a representative of your choice for the purposes of this consultation period, and the business will endeavour to give prompt consideration to any matters raised by you and/or your representative.

Please contact [*me/your manager/other person*] if you have any questions regarding this matter.

Yours faithfully,

[*Managers name and signature*]