**JobKeeper Enabling Directions**

An employer that qualifies for the JobKeeper scheme may under the *Fair Work Act 2009* issue a number of directions to employees under the different sections of the legislation:

* Stand down enabling direction - s789GDC
* Direction to perform different work within the skills and ability of the employee – s789GE
* Direction to perform work at a different location including work from home – s789DF

There is a requirement to consult with your employees before issuing the directions under s789M.

The ER Strategies Newsletter dated 11 April provides background to the JobKeeper legislative changes - [click here](https://erstrategies.com.au/jobkeeperlegislationandthefwa/)

Attached is a template designed to assist clients to issue the relevant directions available under the JobKeeper legislation. It is meant to be a guide only and ER Strategies does not warrant that this template will be appropriate in all situations nor should it be seen as legal advice.

Clients can contact ER Strategies for employment advice on how to use this document and to assist with the tailoring of the document for your needs. However, ER Strategies does not accept liability for any loss or damage sustained by a person by the use of this template.

As always, clients of ER Strategies can [contact us](https://erstrategies.com.au/contact/) on **1300 55 66 37** during business hours to discuss their specific issues.

[Insert date]

**Private and confidential**

[Insert Name]

[Insert residential address]

[Town/City] [State] [Postcode]

Dear [insert name],

**JobKeeper Enabling Direction**

As discussed at the staff meeting held (insert date), (insert company name) has qualified under the JobKeeper legislation to be able to issue JobKeeper Enabling Directions. There are a number of directions that may be issued including the stand down of employees, requiring employees to perform different work within the skills and ability of the employee or requiring employees to perform work at a different location or from home.

The company formally gives notice of its intention to issue a JobKeeper enabling direction commencing on (insert date – has to be at least 3 days after the date this notice is issued or a lessor period if genuinely agreed with the employee).

The direction that we intend to give you is attached.

The company has arranged a (meeting/phone call/online meeting – delete as appropriate) with you (or your representative) on (insert date – before the 3 days expires) to hear your views and any issues you might have about the intended changes.

The company will give consideration to your views and issues before making a final decision on whether or not to issue the direction.

Yours sincerely,

[insert your name]

[insert your position]

[insert your company]

[Insert date]

**Private and confidential**

[Insert Name]

[Insert residential address]

[Town/City] [State] [Postcode]

Dear [insert name],

**JobKeeper Enabling Direction – changes to your duties and/or location of work** (delete if one is not applicable)

As discussed at the staff meeting held (insert date), (insert company name) has qualified under the JobKeeper legislation to be able to issue JobKeeper Enabling Directions. Unfortunately, due to the COVID-19 pandemic the company cannot usefully employ you to perform your normal duties/at your place of work (delete if not applicable).

The company formally issues you with a JobKeeper enabling direction.

In line with s789GE (duties of work) and/or s789GF (location of work) (delete if one is not applicable) of the *Fair Work Act 2009* the company issues the following direction:

Strike out whichever option is not applicable or edit as necessary:

Option 1

You are directed to perform the following duties that are within your skills and abilities:

1. (list the duties)

Note: Employees are not required to perform duties if they do not have the required licence of qualification.

Note: If the duties the employee is required to perform attracts a higher hourly rate, the employee must be paid the hourly rate in line with the duties performed. Employers should review modern awards, enterprise agreements and employment contracts to confirm rates of pay.

Option 2

You are directed to directed to perform your duties at the following location (insert the location):

Note: The location is a place different form the employees normal work or from home. The location has to be a reasonable place to do the work and not an unreasonable distance to travel in all the circumstances. Some awards or enterprise agreements may include travel allowance provisions in these circumstances, and employers should review the industrial instrument applying to their employees.

This direction will continue up until 27 September unless the company revokes or replaces this direction prior to this date. The company will keep you informed of any changed circumstances that might affect this direction.

Any queries or concerns please contact me.

Yours sincerely,

[insert your name]

[insert your position]

[insert your company]