**JobKeeper Enabling Directions – Employer previously entitled to JobKeeper payment for employee.**

‘Legacy Employers’ that no longer qualify for the JobKeeper scheme may be eligible to still access the JobKeeper Fair Work Act provisions under the *Fair Work Act 2009* if they continue to satisfy the turnover test and are in possession of the relevant certification*.* These employers can issue a number of directions to employees under the different sections of the legislation:

* Stand down enabling direction - s789GJA
* Direction to perform different work within the skills and ability of the employee – s789GJB
* Direction to perform work at a different location including work from home – s789GJC

There is a requirement to consult with your employees before issuing the directions under s789GMA.

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) no longer qualifies for the JobKeeper payment scheme, however, we (insert company name) maintain the right to be able to issue JobKeeper Enabled Directions under the JobKeeper legislation. 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 7 days after the date this notice is issued or a lessor period if genuinely agreed with the employee). JobKeeper enabled stand down directions cannot result in an employee working less than 2 hours per work day, or result in a permanent full-time or part-time employee working less than 60% of your ordinary contracted hours as at 1 March 2020. JobKeeper Enabled Stand Down directions are subject to direction safeguards as defined under the legislation.

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 7 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 hours of work**

As discussed at the staff meeting held (insert date), (insert company name) no longer qualifies for the JobKeeper payment scheme, however, we (insert company name) maintain the right to be able to issue JobKeeper Enabled Directions under the JobKeeper legislation. Unfortunately, due to the COVID-19 pandemic the company cannot usefully employ you for your normal hours of work or days of the week.

The company formally issues you with a JobKeeper enabling stand down direction.

In line with s789GJA 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 only work on the following days highlighted with an ‘X’:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|  |  |  |  |  |  |  |

Option 2

You are directed to only work between the following times each day (insert times):

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
| Start |  |  |  |  |  |  |  |
| Finish |  |  |  |  |  |  |  |

Option 3

You are directed to work a reduced number of hours (insert hours) per week/per fortnight/per month (delete if not applicable):

This direction will continue up until 28 March 20201 unless the company revokes or replaces this direction prior to this date, or the company no longer qualifies to issue these directions under the legislation. The company will keep you informed of any changed circumstances that might affect this direction.

This direction cannot result in you working less than 2 hours per work day, or, if you are a permanent full-time or part-time employee, result in you working less than 60% of your ordinary contracted hours as at 1 March 2020.

Any queries or concerns please contact me.

Yours sincerely,

[insert your name]

[insert your position]

[insert your company]