# JobKeeper notification of stand down template letter

## Who can use this template letter?

The Fair Work Ombudsman (**FWO**) has developed two templates to help you meet your obligations under the JobKeeper wage subsidy scheme (**JobKeeper scheme**) when giving a JobKeeper enabling stand down direction (**JobKeeper stand down**).

You can use this template letter if you’re an employer:

* who is qualified to access and are enrolled in the JobKeeper scheme; and
* you need to direct an eligible employee to work fewer hours or days, including no hours.
1. JobKeeper notification of stand down template letter

Firstly, use this letter - FWO JobKeeper notification of stand down template letter to notify the employee in writing of your intention to give the direction **at least 3 days** before issuing the direction (unless the employee genuinely agrees to a shorter timeframe).

### Decorative icon JobKeeper stand down template letter

Secondly, use the [FWO JobKeeper stand down template letter](http://www.coronavirus.fairwork.gov.au/jobkeeper-stand-down) to issue the direction to your employee. You can download this template at coronavirus.fairwork.gov.au/jobkeeper-stand-down.

If you plan to stand down an employee and not access the new JobKeeper scheme, please use the [FWO Template letter for standing down employees - for employers not accessing the JobKeeper scheme](http://www.coronavirus.fairwork.gov.au/stand-down) at coronavirus.fairwork.gov.au/stand-down.

Employers can only give an employee a JobKeeper stand down direction if the employee can't be usefully employed for their normal days or hours because of changes to business attributable to:

* the coronavirus pandemic, or
* government initiatives to slow the transmission of the coronavirus (for example, because of an enforceable government direction).

Before issuing a direction under the new provisions, employers must confirm that they qualify for and are enrolled in the JobKeeper scheme, and are entitled to JobKeeper payments for each employee they wish to give a direction to. Go to the [ATO website for more information](https://www.ato.gov.au/General/JobKeeper-Payment/) about who is eligible at www.ato.gov.au/General/JobKeeper-Payment.

**For more information about JobKeeper stand downs and your workplace rights and obligations around coronavirus see** [**coronavirus.fairwork.gov.au**](https://coronavirus.fairwork.gov.au/)**.**

* IMPORTANT

Make sure you’re using the [latest version of this template letter](http://www.coronavirus.fairwork.gov.au/jobkeeper-stand-down) by downloading the most up-to-date version from coronavirus.fairwork.gov.au/jobkeeper-stand-down.

## What employers must consider before standing down employees for the JobKeeper scheme

### Before you stand down an employee from your business, you need to:

[ ]  Confirm you can give a JobKeeper stand down direction

In order to stand down employees for the JobKeeper scheme you need to:

[ ]  qualify for and be enrolled in the JobKeeper scheme; and

[ ]  be entitled to JobKeeper payments for the employee to whom the direction applies (eligible employee); and

[ ]  be a national system employer in the Fair Work system.

Go to the [Australian Taxation Office website for more information](https://www.ato.gov.au/General/JobKeeper-Payment/) about who is eligible at www.ato.gov.au/General/JobKeeper-Payment/.

Find out who is covered by the [Fair Work system](https://www.fairwork.gov.au/about-us/legislation/the-fair-work-system) at www.fairwork.gov.au/about-us/legislation/the-fair-work-system.

[ ]  **Check you are giving a JobKeeper stand down direction for one of the following reasons only**

[ ]  the employee can't be usefully employed for their normal days or hours because of changes to business attributable to the coronavirus pandemic, **or**

[ ]  the employee can't be usefully employed for their normal days or hours because of changes to business attributable to government initiatives to slow the transmission of the coronavirus (for example, because of an enforceable government direction).

For more information visit [JobKeeper wage subsidy scheme](https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/default) at coronavirus.fairwork.gov.au/.

[ ]  **Check what wages you will need to pay:**

**When a JobKeeper stand down applies:**

* Employee to be paid either an amount equal to the JobKeeper payment, ie. $1500 (before tax), or their usual pay for any hours that the employee does work – whichever is more. The employee’s hourly base pay rate can’t be reduced.

**When a JobKeeper stand down doesn’t apply** (periods of authorised paid or unpaid leave eg. annual leave, or other authorised absences from work eg. public holiday):

* Employee to be paid normally during these periods, or receive an amount equal to the JobKeeper payment (ie. $1500 before tax) – whichever is more.

[ ]  Check how leave is accrued and service is counted during this period

Employees subject to a JobKeeper stand down direction still accrue their usual leave entitlements for the period the direction applies (as if the direction hadn't been given to them). Service is considered continuous for the purposes of redundancy and pay in lieu of notice (ie. it counts as time worked).

[ ]  Ensure the direction is implemented safely, including having regard to the nature and spread of coronavirus

Learn more about [Health and safety in the workplace during coronavirus](https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/health-and-safety-in-the-workplace-during-coronavirus) at coronavirus.fairwork.gov.au.

[ ]  Ensure the direction isn’t unreasonable

You are required to take into account all of the circumstances, including the employee’s caring responsibilities. If a direction is unreasonable, it does not apply to an employee.

[ ]  Use this template to notify the affected employee

You must notify the employee **in writing** of your intention to give the direction at **least 3 days** before issuing the direction (unless the employee genuinely agrees to a shorter timeframe).

* IMPORTANT

This template has been colour coded to assist you to complete it accurately. You simply need to replace the red < > writing with what applies to your employee and situation.

Explanatory information is shown in *blue italics* to assist you and should be deleted once you have finished the letter.

Provide the letter to the employee and keep a copy of the letter for your records.

**This template is only suitable for those who are entitled to make a JobKeeper stand down.** If this doesn’t apply to you, please do not use this template. View the [FWO Template letter for standing down employees - for employers not accessing JobKeeper payments](http://www.coronavirus.fairwork.gov.au/stand-down) at coronavirus.fairwork.gov.au/stand-down.

[ ]  Consult with the affected employee

You must consult with the employee (or their representative) about the direction.

Need help with consulting with the employee or answering their questions?

* Visit [coronavirus.fairwork.gov.au](http://coronavirus.fairwork.gov.au)
* Complete our short course about having [difficult conversations in the workplace](http://www.fairwork.gov.au/learning) at www.fairwork.gov.au/learning
* Read our [Consultation and cooperation in the workplace best practice guide](https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/consultation-and-cooperation-in-the-workplace)
* Submit an enquiry online through [My account](https://www.fairwork.gov.au/my-account/registerpage.aspx) at www.fairwork.gov.au/register
* Contact us on 13 13 94 (select the prompt for the coronavirus hotline).

[ ]  Keep a written record of the consultation

You must keep a written record of the consultation.

[ ]  Use the FWO JobKeeper stand down template letter to issue the direction to the employee

The direction must be made in writing to the employee. To do this, you can use the [FWO JobKeeper stand down template letter](http://www.coronavirus.fairwork.gov.au/jobkeeper-stand-down) at coronavirus.fairwork.gov.au/jobkeeper-stand-down.

## TEMPLATE LETTER: JobKeeper payments – notification of stand down

<Print on your business letterhead>

<Date>

Private and confidential

<Insert employee’s full name>
<Insert employee’s residential address>

**Notice of intent to issue JobKeeper stand down direction to reduce hours or days of work**

Dear <insert first name>

We all find ourselves in an unprecedented and difficult time due to the impacts of the coronavirus outbreak.

|  |  |
| --- | --- |
|  | [Explanatory information – please delete once you have finished the letter]Employers need to:* notify the employee in writing **at least 3 days before issuing the direction** (unless the employee genuinely agrees to a shorter timeframe);
* consult with the employee (or their representative) about the direction;
* make the direction in writing. To do this, you can use the [FWO JobKeeper Stand Down template](http://www.coronavirus.fairwork.gov.au/jobkeeper-stand-down) at coronavirus.fairwork.gov.au/jobkeeper-stand-down; and
* keep a written record of the consultation.

**IMPORTANT:** The Fair Work Act JobKeeper provisions end on 28 September 2020. When this happens, any directions or agreements made under them will also end. Employees’ terms and conditions will revert back to what they were without the directions or agreements in place. |

I am writing to notify you that I intend to give you a JobKeeper stand down direction to <insert details of direction ie. ‘not work any hours’ or ‘reduce your hours and days of work’> from <insert start date> to <insert end date> in regards to your employment as a <insert position/classification> with <insert the business/company name>.

*[Delete if not relevant ie. directed not to work any hours]* I intend to reduce your <hours/days> of work as follows:

* <insert details of how the employee’s hours and/or days of work have been reduced eg. ‘from 38 hours a week to 32 hours a week’>

**Meeting to discuss this letter**

I would like to consult with you and your representative (if you wish to include one) on my intent to give you a JobKeeper stand down direction. I would like to schedule a meeting <insert method of contact eg. by phone or in-person> on <insert date of proposed meeting> at <insert time/place>.

Please contact me on <insert phone number> to confirm your availability to attend the proposed meeting or to advise if this time is not convenient so a new time can be scheduled.

**Why am I being stood down?**

<insert the business/company name> has qualified and enrolled in the JobKeeper scheme. <insert the business/company name> is now entitled to JobKeeper payments for you, as an employee. Under this scheme, I am able to temporarily stand down employees in certain circumstances.

I intend to stand you down because <insert reason for direction ie. ‘you can't be usefully employed for your normal days or hours because of changes to our business attributable to the coronavirus pandemic’ or ‘you can't be usefully employed for your normal days or hours because of changes to our business attributable to government initiatives to slow the transmission of the coronavirus’>.

**Will I be paid during the JobKeeper stand down period?**

|  |  |
| --- | --- |
|  | [Explanatory information – please delete once you have finished the letter]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 an amount equal to the JobKeeper payment or their usual pay for any hours that the employee does work – whichever is more. The employee’s hourly base pay rate can’t be reduced. |

For the period of the intended stand down, you will be paid <insert payment of wages details ie. ‘an amount equal to the JobKeeper payment, ie. $1500 (before tax), or your usual pay for any hours that you work – whichever is more’>. Your hourly base pay rate will not be reduced during this period.

You will continue to accumulate leave as normal during the intended stand down period.

|  |  |
| --- | --- |
|  | [Explanatory information – please delete once you have finished the letter]If an employee is taking paid or unpaid leave that the employer has authorised (such as annual leave) or is otherwise entitled to be absent from work (such as on a public holiday), the direction doesn’t apply. If the employee normally receives a leave payment that would be less than the JobKeeper payment for a fortnight, the employee is still entitled to an amount that is equal to the JobKeeper payment for the fortnight. Employees need to either be paid normally for a fortnight that includes these periods, or $1500 (before tax) – whichever is more. |

While you are taking authorised paid or unpaid leave (such as annual leave) or are otherwise entitled to be absent from work (such as on a public holiday), the intended direction won’t apply. During these periods, you will be paid as normal or will receive $1500 (before tax) for the relevant fortnight, whichever is more.

|  |  |
| --- | --- |
|  | [Explanatory information – please delete once you have finished the letter]Employees who are subject to a JobKeeper enabling stand down direction can request to take on secondary employment, training or professional development. Employers must consider these requests and can’t unreasonably refuse them. |

Please let me know if you would like to discuss taking on secondary employment, training or professional development during the intended stand down period.

**Where can I go for support?**

Should you have any questions in relation to this letter, please contact me on <insert contact details>.

For up to date information about your workplace entitlements and obligations, including information about stand downs from work and the JobKeeper changes to the Fair Work Act, visit the Fair Work Ombudsman [Coronavirus and Australian workplace laws website](https://coronavirus.fairwork.gov.au/) at coronavirus.fairwork.gov.au. This includes recent updates, and key links to other government bodies that may be able to support you during this time.

**What to do next?**

* As mentioned earlier in this letter, **please contact me on <insert contact details>** to confirm your availability to attend the proposed meeting to discuss this letter or to advise if this time is not convenient so a new time can be scheduled.

Thank you for your understanding during this difficult time.

|  |  |
| --- | --- |
|  | [Explanatory information – please delete once you have finished the letter]We’ve included a couple of additional tips below to help you improve communication to your employees. You may wish to make the letter more personal by:* Hand signing or adding a digital handwritten signature to the letter
* Sending the letter from a person that the employee recognises and is credible (rather than from an individual the employee may not know).
 |

Yours sincerely,

<Insert name>

<Insert position>