

JOBKEEPER TEMPLATE: REASONABLENESS AND FAIRNESS OF DIRECTION

Use the below template if you believe your business has received JobKeeper and wants to adjust your role. Your employer has a duty to make sure all directions are reasonable and give you three days to consider the proposed changes. This template is designed for employees who earn over \$1,500 per fortnight (gross).

Date

Dear [Manager/CEO's name],

On [date] you had a discussion with [staff/me] where it was discussed that [Company name] may be eligible for JobKeeper.

I am willing to be involved and follow all lawful and reasonable directions of the JobKeeper provisions in the Fair Work Act 2009 (Cth).

I understand the purpose of JobKeeper is to keep people in paid work and industries being productive. [Company name] is not able to pay me only \$1,500 a fortnight through JobKeeper unless you issue me with a fair and reasonable direction to reduce my hours. Based on my current salary, \$1,500 is [X days X hours of work per week] as JobKeeper criteria provides my hourly rate cannot be reduced. If I continue my regular role working my current hours, [Company name] is required to pay the difference between JobKeeper payments and my current wage.

My participation in JobKeeper is based on my understanding the [Company name] will frequently review its operations and that I will return to my full time role and conditions after the pandemic. Please confirm the below:

1. The [Company name] will review its operations [every month/bimonthly] to determine whether I can return to my full time role;
2. There will be a reduction in the [Company's] expectations of my role/targets to reflect the reduction of my salary;
3. Return date to my current role, salary and entitlements [three/six] months from now;
4. My hourly rate does not change and my accrued but untaken leave is preserved at my full rate of pay before my role reduction;
5. Should I be made redundant, my redundancy pay will be calculated at full pay before my role reduction; and

6. Should I be dismissed, any notice will be calculated at full pay before my role reduction;
and
7. This temporary period will count as service at full pay.

I understand the difficulties of [Company name] and want to work together for us to move forward in a productive manner so we may continue working together.

Regards,

Name

STAND DOWN JOBKEEPER TEMPLATE: ELIGIBLE EMPLOYER

Use this template if you believe your employer may be eligible for JobKeeper but hasn't applied or raised the idea of JobKeeper in your workplace.

Date

Dear [Manager/CEO's name],

On [date] you had a discussion with me where it was discussed that [Company name] will have to [stand me down without pay effective from [X date]/make me redundant from [x date]].

I am sure you are aware of the Government's JobKeeper program. I assess that I am an eligible employee [<https://www.ato.gov.au/General/JobKeeper-Payment/Employers/Your-eligible-employees/>] and while I am not sure of [Company name]'s turnover and the effect COVID-19 has had, can you please consider applying for this program as an alternative to my redundancy/stand down.

Sincerely,

Name

The information provided in this factsheet is for information only. It must not be relied on as legal advice. The information provided is correct at 6 May 2020. Information may change. You should seek legal advice about your own situation.