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## Implementing JobKeeper Enabling Directions

On 9 April 2020, the *Fair Work Act* was amended to reflect the changing needs to be able to implement the JobKeeper wage subsidy scheme (*Part 6-4C – Coronavirus economic response*). The changes are temporary and will cease on 28th September 2020.

For more information, please see our plain English explanation [here](#).

### Implementing Directions

To implement those changes which can be given as a direction (i.e. do not require agreement) including:

- Change in work location
- Change in job duties
- Job Keeper Enabling Stand-down

It is important to get the implementation correct. The important steps to follow include:

#### **1. Consult**

- Meet with the impacted employee(s)
- Advise of the intended changes and provide a letter advising of the proposed direction (*see template provided*)
- Schedule a second discussion

NOTE: you must give written notice of the intention to give the direction at least 3 days prior to giving the direction (unless the employee genuinely agrees to a lesser notice period) and consult with the employee (or their representative) about the direction.

#### **2. Consider**

- Any input/information/requests from the employee(s)
- Is the direction reasonable based on all the available information including:
  - Considerations raised by the employee;
  - The direction being genuinely necessary in order to continue the employment of 1 or more employees;
  - The direction can be implemented safely having regard to the nature and spread of COVID-19
  - Scope of the business operations
  - The employee's skills and qualifications (where the direction relates to change of duties)
  - Extra travel required (where the direction relates to change of work location)

#### **3. Communication**

- Confirm your decision – if it is reasonable given the circumstances, provide the outcome in writing to the employee(s) (*see template provided*)
- If the outcome is changed, confirm the outcome with the employee and issue any relevant directions in writing (*see template provided*)

## **Implementing Agreements**

To implement those changes which require agreement including:

- Change in days and times of work
- Taking annual leave at half pay

It is important to get the implementation correct. The important steps to follow include:

### **4. Consult**

- Meet with the impacted employee(s)
- Put forward the request for the employee's consideration and provide a Consultation Letter (*see template provided*)
- Schedule a second discussion

NOTE: you must give written notice of the intention to give the direction at least 3 days prior to giving the direction (unless the employee genuinely agrees to a lesser notice period) and consult with the employee (or their representative) about the direction.

### **5. Consider**

- Any employee response(s) and request further information or negotiate as appropriate
- Can an agreement be reached with the employee(s)

### **6. Communication**

- Confirm the outcome – if an agreement is reached, confirm this agreement in writing with the employee(s) (*see template provided*)