

JOBKEEPER ENABLING DIRECTIONS

WHAT ARE THEY AND WHO CAN GIVE THEM?



From 9 April 2020, temporary changes to the *Fair Work Act 2009* permit employers to give employees JobKeeper enabling directions which result in changing the employee's hours, duties and/or location of work, subject to certain conditions being met.

To determine if you can give a JobKeeper enabling direction to an employee, follow the steps below.

STEP 1: DETERMINE IF YOU CAN ISSUE A JOBKEEPER ENABLING DIRECTION

1. Is your business is covered by the Fair Work Act 2009?

2. Does your business qualify for the JobKeeper scheme?

3. Is your business is entitled to JobKeeper payments for the employee for the relevant period?

If you answered yes to all three questions above, you can give a JobKeeper enabling direction to employee/s, provided the direction is reasonable in the circumstances.

STEP 2: DETERMINE WHICH JOBKEEPER ENABLING DIRECTION/S ARE BEST SUITED TO YOUR CIRCUMSTANCES

Change ordinary work hours

You can direct your employee to work less than their ordinary hours if:

- They cannot be usefully employed for their normal hours due to changes in the business as a result of COVID-19
- The direction is safe
- The employee's hourly rate of pay is not reduced

Change ordinary work duties

You can direct your employee to perform different duties if:

- They are qualified to perform the requested duties
- The duties are safe and reasonably within the scope of your business operations
- The employee is paid their usual base rate, or the base rate that applies to the duties they are performing (whichever is greater)
- The direction is necessary to continue the employment of one or more employees

Change ordinary work location

You can direct your employee to work in a different location if:

- The location is suitable for the employee's duties
- The distance the employee will need to travel is not unreasonable
- Performing the duties at the location is safe and reasonably within the scope of your business operations
- The direction is necessary to continue the employment of one or more employees

STEP 3: FOLLOW THE REQUIRED PROCESS TO ENSURE YOUR JOBKEEPER ENABLING DIRECTION IS VALID

Written notice of your intention

Provide your employee with three days' written notice of your intention to give a JobKeeper enabling direction.

Consultation

Consult with your employee about the JobKeeper enabling direction, and keep a written record of this discussion.

Written confirmation of direction

Provide your employee with written confirmation of the JobKeeper enabling direction.