

Template letter – COVID-19 ‘JobKeeper enabling direction’ – change of duties/work location - employee notification letter

Instructions/Thought list

Only applies to businesses and employees subject to the JobKeeper scheme.

Apply to your company letterhead.

Pursuant to JobKeeper amendments to the *Fair Work Act 2009*, this letter is for giving notification to an eligible employee, who is in receipt of JobKeeper payments, that the business intends to direct the employee to undertake changed work duties and or location of employment.

Qualifying employers need to ensure:

- > the direction is reasonable
- > modified duties are safe, and within the employees skills/qualifications to perform
- > modified duties are reasonably within the scope of the businesses operations
- > a change of work location is safe and reasonable
- > any change in work location is within a reasonable travelling distance
- > there is a reasonable belief the direction is necessary to continue the employment of the employee

When an employee is subject to a JobKeeper enabling direction relating to change of duties or location of work, the employer must pay them either the JobKeeper payment or their usual pay for any hours that the employee does actually work – whichever is more.

The ability to give such directions will expire on 28 September 2020 (subject to further legislative amendments).

It is recommended that employers provide as much clarity and detail as possible in this notification letter.

The business is required to consult with an employee (and their representative if nominated) and the required consultation must be genuine and not perfunctory. Keep detailed notes of any consultation.

This letter needs to be customised by the employer for their specific circumstances.

If in doubt on any of these issues, please seek advice before undertaking any action, either directly through The Real Media Collective or an independent legal advisor.

LETTER TEXT OVERLEAF

Date

Employees name

Address 1

Address 2

Address 3

Dear [insert name],

Notification - JobKeeper enabling direction – [change of duties/change of work location]

Further to our meeting [on insert date/today], this letter confirms the businesses requirement to direct you to:

- [insert clarifying details of the proposed JobKeeper enabling direction...undertake altered work duties/change location of work/other.]
-

This direction is effective from [insert date (at least 3 days from issuing this notification letter, unless otherwise agreed with the employee)].

Optional

At this time we are unable to advise of a specific end date for this direction.

Or

This direction will cease effective from [insert date]. At that time it is expected you will return to your pre-direction [duties/work location].

We will regularly communicate with you after the effective commencement date of the direction to keep you apprised of any changes and developments that may affect the direction.

Our business is committed to consulting with you regarding this direction, and as required under the terms of the *Fair Work Act 2009*. We intend to consult further with you before the effective date of the direction and welcome any queries you may have.

Optional

You may appoint a representative of your choice for the purposes of this consultation period, and the business will endeavour to give prompt consideration to any matters raised by you and/or your representative.

Please contact [me/your manager/other person] if you have any questions regarding this matter.

Yours faithfully,

[Managers name and signature]