



Legacy employers – notice of a JobKeeper direction or agreement ending template letter

What is this template letter?

From 28 September 2020 under the extended JobKeeper provisions in the Fair Work Act legacy employers can:

- issue JobKeeper enabling stand down directions (with some changes)
- issue JobKeeper enabling directions in relation to employees' duties and locations of work
- make agreements with employees to work on different days or at different times (with some changes).

They can only issue directions and make agreements with employees that they previously received JobKeeper payments for before 28 September 2020 (**previously eligible employees**). There are also other requirements that they need to comply with, including meeting the 10% decline in turnover test.

To find out how to issue or make a JobKeeper direction or agreement as a legacy employer, go to [Legacy employers](#) and [JobKeeper enabling directions and agreements for legacy employers](#) at coronavirus.fairwork.gov.au/JobKeeper

Once a legacy employer has issued or made a JobKeeper direction or agreement as a legacy employer, they need to follow rules about telling employees in writing whether the direction or agreement will continue or end in the next relevant period, which depends on whether they met certain criteria.

A legacy employer can use this template letter to give their employee **written notice** that their JobKeeper enabling direction or agreement is ending.

Who can use this template letter?

You can use this template letter if:

- ✓ you are (or were) a **legacy employer**
- ✓ as a legacy employer you issued a JobKeeper direction to, or made a JobKeeper agreement with, a previously eligible employee on or after 28 September 2020, **and**
- ✓ you need to provide written notice to your employee that their JobKeeper direction or agreement **is ending**.

A legacy employer can only continue a JobKeeper direction or agreement in the next relevant period if they hold a certificate (or statutory declaration if they are a [small business employer](#)) demonstrating that they meet the 10% decline in turnover test for the designated quarter corresponding to that period. The table below outlines the periods for JobKeeper directions or agreements and quarters that apply to them.

The Fair Work Ombudsman is committed to providing you with advice that you can rely on.

The information contained in this template is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.

Period for JobKeeper direction or agreement	Quarter to meet 10% decline in turnover test	Comparison quarter
28 September to 27 October 2020 (inclusive)	June 2020	June 2019
28 October 2020 to 27 February 2021 (inclusive)	September 2020	September 2019
28 February to 28 March 2021 (inclusive)	December 2020	December 2019

Go to [Legacy employers](#) and [JobKeeper enabling directions and agreements for legacy employers](#) at coronavirus.fairwork.gov.au/JobKeeper for information about:

- who is a legacy employer
- meeting the 10% decline in turnover test each quarter, and certificate/statutory declaration requirements
- the rules and requirements for legacy employers when making JobKeeper directions or agreements.

When to use this template letter

Legacy employers who haven't obtained a certificate or statutory declaration must provide **written notice** to employees subject to a JobKeeper direction or agreement to confirm:

- the direction or agreement will end, **and**
- the date that it will end.

They need to do this:

- **before 28 October 2020** for JobKeeper directions or agreements that won't continue past this date
- **before 28 February 2020** for JobKeeper directions or agreements that won't continue past this date.

Note: A legacy employer can also choose to end a direction because it no longer suits their business needs. Employers ending a JobKeeper direction for this reason are not required to notify the employee in writing in these circumstances, but it is best practice to do so.

! IMPORTANT

This template letter has been colour coded to assist you to complete it accurately. You simply need to replace the **red < > writing** with what applies to your previously eligible employee and situation. Explanatory information is shown in *blue italics* to assist you and **should be deleted once you have finished the letter**.

! IMPORTANT

Make sure you're using the latest version of this template letter by downloading the most up-to-date version from coronavirus.fairwork.gov.au/JobKeeper

Fair Work Ombudsman is committed to providing you with advice that you can rely on.

The information contained in this template is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.

Need help?

- Visit [JobKeeper wage subsidy scheme](https://coronavirus.fairwork.gov.au/JobKeeper) coronavirus.fairwork.gov.au/JobKeeper
- Submit an enquiry online through [My account](https://www.fairwork.gov.au/register) at www.fairwork.gov.au/register
- Call us on 13 13 94 (select the prompt for the coronavirus hotline)
- Read about employer eligibility and the extended JobKeeper scheme on the [ATO website – JobKeeper extension](#).

Fair Work Ombudsman is committed to providing you with advice that you can rely on.

The information contained in this template is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.

TEMPLATE LETTER: Notice of a JobKeeper direction or agreement ending

<Print on your business letterhead>

<Date>

Optional: Private and confidential

<Insert employee's full name>

<Insert employee's contact details>

Notice that your JobKeeper <direction / agreement> is ending

Dear <insert first name>

I am writing to notify you that your existing JobKeeper <direction / agreement> that we <gave / made with> you on <date> will end on <28 October 2020 (or earlier date) / 28 February 2021 (or earlier date)> and you will return to your usual terms and conditions of employment.

[Explanatory information – please delete once you have finished the letter]

The end date for a direction or agreement can be earlier than the last day of the relevant period but can't be later. For example, if the quarter that the legacy employer didn't meet the test for was the quarter ending 30 September 2020, the direction or agreement can end on any date before 28 October 2020 but can't end afterwards.

Refer to the table in the 'Who can use this template letter?' section of this document for the relevant periods for JobKeeper directions or agreements and the designated quarters that apply to them.

Optional: Why is it ending?

[Explanatory information – please delete once you have finished the letter]

Legacy employers have to tell their employees under a JobKeeper direction or agreement that the agreement is ending, and when it will end. There is no minimum obligation to tell the employee why it is ending.

Use this section if you want to tell your employee why the direction or agreement is ending.

*If not, **delete this section.***

The Fair Work Act JobKeeper provisions require that we obtain a 10% decline in turnover certificate for each quarter.

For the <insert quarter> <insert the business/company name> has not obtained a <statutory declaration / certificate>.

As a result, your <JobKeeper direction / JobKeeper agreement> will end on <28 October 2020 (or earlier date) / 28 February 2021 (or earlier date)>.

[Explanatory information – please delete once you have finished the letter]

The end date for a direction or agreement can be earlier than the last day of the relevant period and can be any time until 28 March 2021. But if the employer fails to satisfy the turnover test for a designated quarter on 28 October 2020 or 28 February 2021, the direction or agreement will cease to have effect at that time. Refer to the table in the 'Who can use this template letter?' section of this document for the relevant periods for JobKeeper directions or agreements and the designated quarters that apply to them.

What happens now?

When the <JobKeeper direction / JobKeeper agreement> ends, you will return to your usual <hours and/or days of work / usual duties / usual location> in your position as a <insert position/classification> with <insert the business/company name>.

Your standard terms and conditions of employment in accordance with your <award/agreement/other instrument> will apply as normal, including your hours, days and times of work and your usual duties and location of work.

For up to date information about your workplace entitlements and obligations about returning to work during coronavirus, visit the [Fair Work Ombudsman dedicated coronavirus website](http://www.coronavirus.fairwork.gov.au) at www.coronavirus.fairwork.gov.au.

If you have any questions about this letter, please feel free to contact me on <insert contact details>.

We look forward to returning to work and the workplace. 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>