



Template letter for standing down employees - for employers not accessing the JobKeeper scheme

Who can use this template letter?

You can use this template letter if you're an employer and need to stand your employees down due to coronavirus and you're **not** accessing the JobKeeper scheme.

If you intend to stand down an employee and **access the new JobKeeper payments**, please use the Fair Work Ombudsman (FWO) [JobKeeper stand down template letter](#) at coronavirus.fairwork.gov.au/jobkeeper-stand-down.

Find more information about [JobKeeper changes](#) at coronavirus.fairwork.gov.au.

What is a stand down?

In some circumstances, an employee may be stood down without pay by their employer because they cannot usefully be employed due to a stoppage of work for which the employer can't reasonably be held responsible and which is related to the coronavirus outbreak. Whether an employee can't usefully be employed depends on the particular circumstances of the employer and employee. This may include when:

- there is an enforceable government direction requiring the employer's business to close (which means there is no work at all for the employees to do, even from another location)
- a large proportion of the workforce is required to self-quarantine with the result that the remaining employees/workforce cannot usefully be employed
- there is a stoppage of work due to a lack of supply for which the employer could not reasonably be held responsible.

Employers can't generally stand down employees simply because of a deterioration of business conditions or because an employee has coronavirus.

For employers not accessing JobKeeper payments, it's best practice to notify affected employees in writing if you are standing them down because of stoppages of work attributable to the coronavirus outbreak.

! 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/stand-down.

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.

What employers should consider before standing down employees

Before you stand down an employee from your business, you should:

Check you are using the correct template

If you intend to direct an employee to stand down and access JobKeeper payments, please use the FWO [JobKeeper notification and stand down template letters](https://coronavirus.fairwork.gov.au/jobkeeper-stand-down) at coronavirus.fairwork.gov.au/jobkeeper-stand-down.

Consider all other options

Employers should exhaust all available options before standing down employees without pay. Other options may include:

- Exploring working from home arrangements wherever possible
- Agreeing to make temporary changes to employees' duties, hours of work or rosters
- Employees accessing paid or unpaid leave
- Accessing government financial support

Find out about your [workplace entitlements and obligations if you're affected by the outbreak of coronavirus](https://coronavirus.fairwork.gov.au/workplace-entitlements-and-obligations-if-youre-affected-by-the-outbreak-of-coronavirus). This includes information about JobKeeper changes, stand downs from work, flexible work arrangements, workplace health and safety, and pay and leave entitlements at coronavirus.fairwork.gov.au.

Check your agreement or contract for stand down provisions (if you have one)

If you and your employee are covered by an enterprise agreement or contract, check what unique stand down provisions may apply to your situation.

Please note that this template is not suitable for use if you intend to stand down an employee under a provision in an enterprise agreement or contract.

Be able to demonstrate that there has been a stoppage of work that you, as the employer, cannot reasonably be held responsible for

Confirm there is no other useful work that the employee can do (which may not be limited to the work an employee usually performs)

Check the requirements of your award, agreement and contract of employment

Even if your enterprise agreement or employment contract does not have a specific clause about stand down, they can have different or extra rules about when an employer can stand down an employee without pay. Employers should consider whether their obligations are impacted by any applicable enterprise agreement, award, employees' employment contracts or workplace policies (for example, whether there are extra consultation rules).

[Find your award](https://www.fairwork.gov.au/awards) at www.fairwork.gov.au/awards.

Find enterprise agreements and other registered agreements on the [Fair Work Commission website](https://www.fwc.gov.au/awards-and-agreements/agreements) at www.fwc.gov.au/awards-and-agreements/agreements.

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□ Talk to the affected employees

We encourage you to discuss the stand down with your employees and provide them with the opportunity to ask questions.

Need help answering questions?

- Visit coronavirus.fairwork.gov.au
- [Complete our short course](#) about having difficult conversations in the workplace at www.fairwork.gov.au/learning
- Submit an enquiry online through [My account](#) at www.fairwork.gov.au/register
- Contact us on 13 13 94 (select the prompt for the coronavirus hotline).

□ Use this template to write to your employees informing them they've been stood down

! IMPORTANT

This template has been colour coded to assist you to complete it accurately. You simply need to replace the **red < > writing** with what applies to your employee and situation.

Explanatory information is shown in *blue italics* to assist you and **should be deleted once you have finished the letter.**

Provide the letter to the employee and keep a copy of the letter for your records.

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TEMPLATE LETTER – STANDING DOWN EMPLOYEES DUE TO CORONAVIRUS FOR EMPLOYERS NOT ACCESSING THE JOBKEEPER SCHEME

<Print on your business letterhead>

<Date>

Private and confidential

<Insert employee's full name>

<Insert employee's residential address>

Notice of stand down due to the impacts of the coronavirus outbreak

Dear <insert first name>

We all find ourselves in an unprecedented and difficult time due to the impacts of the coronavirus outbreak.

<Delete this section if not applicable> The current government imposed restrictions have significantly impacted our business and other similar businesses. As a result, many businesses in the <insert industry> have been required to temporarily close or limit their operations.

I am writing to inform you that as of <date> you <will be/have been> stood down without pay <insert stand down period eg. 'for a period of 4 weeks' or 'until further notice'> from your employment as a <insert position/classification> with <insert the business/company name>.

<Insert details about how the employee will be notified of their return to work>.

Why am I being stood down?

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

Under s.524 of the Fair Work Act, an employee can be stood down without pay if they cannot be usefully employed because of a stoppage of work for any cause for which the employer cannot reasonably be held responsible.

Before you stand down your employees you should follow the steps in the above table. It's best practice to demonstrate you have met the relevant conditions that allow for you to stand down your employees. Clearly explaining this to your employees can also assist them to understand the situation and may help answer questions they have.

***Reminder:** On 9 April 2020, the Fair Work Act was amended to support the implementation and operation of the JobKeeper scheme in Australian workplaces. If you intend to stand down an employee under the new provisions (JobKeeper enabling directions), please use the [FWO JobKeeper enabling directions – stand down template letter](https://www.fairwork.gov.au/jobkeeper-stand-down) at coronavirus.fairwork.gov.au/jobkeeper-stand-down.*

You have been stood down because <insert reason for stand down>.

[Delete sentence if not applicable] To confirm, <insert the business/company name> does not qualify for the JobKeeper scheme, and I am therefore informing you that you will not be receiving JobKeeper payments.

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Not for further distribution

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

You may wish to include details about any discussions you've had with employees about the stand down or any actions you've taken to meet specific requirements that apply to you and your employees.

[Delete sentence if not applicable] We met to discuss your stand down on **<insert date of discussion>** where we discussed **<insert details discussed with employee>**.

Will I be paid during stand down?

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

Employers usually don't need to pay employees during a stand down but can choose to. Full-time and part-time employees accrue leave (such as annual and personal leave) as normal during the stand down.

If an employee takes paid or unpaid leave that is authorised by their employer or is away from work for any other authorised reason (for example on a public holiday), they aren't considered to be stood down under the Fair Work Act for the time they are away.

You have been stood down **<insert pay details, eg. 'without pay but' or 'with pay and'>** remain employed for the period of the stand down. You will continue to accumulate leave entitlements as normal during this period.

If you take paid or unpaid leave that has been authorised by **<insert the business/company name>**, or if you're away from work for any other authorised reason (eg. a public holiday), then you're not considered to be stood down under the Fair Work Act for that time.

<Insert payment details relating to periods where the employee is not considered to be stood down under the Fair Work Act as per the above sentence, eg. You will be paid as normal for periods of authorised annual leave and for public holidays that you would have usually worked during this period.>

Can I take up other employment for the duration of the stand down?

If you wish to take up other employment during the stand down period, please contact **<insert employer representative name>** on **<insert contact number>** to discuss.

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

If an employee is stood down, they may be able to take up other employment for the duration of the stand down. Employees usually need their employer's agreement first. Employees should also consider if they have other limits on the work they can do for another employer (for example, their employment contract or a workplace policy may prevent them working for a competitor).

Where can I go for support?

Should you have any questions in relation to this letter, please contact me on **<insert contact details>**.

For up to date information about your workplace entitlements and obligations, including information about stand downs from work, visit the Fair Work Ombudsman [Coronavirus and Australian workplace laws website](https://www.fairwork.gov.au/coronavirus) at [coronavirus.fairwork.gov.au](https://www.fairwork.gov.au/coronavirus). This includes recent updates and key links to other government bodies that may be able to support you during this time.

Thank you for your understanding during this difficult time.

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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>

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