

JobKeeper enabling stand down directions

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The information on this page is for qualifying employers and their employees.

Qualifying employers are employers that qualify for the JobKeeper scheme and receive payments for their eligible employees.

Legacy employers no longer receive JobKeeper payments but may be able to use some of the JobKeeper provisions. Learn what applies at JobKeeper enabling directions and agreements for legacy employers (www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/jobkeeper-enabling-directions-and-agreements-for-legacy-employers) .

Temporary provisions have been added to the Fair Work Act as part of the JobKeeper scheme. They apply to:

- employers who qualify for JobKeeper payments and their eligible employees
- legacy employers who no longer receive JobKeeper payments and their eligible employees (specific rules apply).

Legacy employers and their employees can get information on the specific provisions that apply to them on our [JobKeeper enabling directions and agreements for legacy employers \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/jobkeeper-enabling-directions-and-agreements-for-legacy-employers/jobkeeper-enabling-directions-and-agreements-for-legacy-employers\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/jobkeeper-enabling-directions-and-agreements-for-legacy-employers/jobkeeper-enabling-directions-and-agreements-for-legacy-employers) page.

The JobKeeper provisions enable qualifying employers to give eligible employees a direction to reduce their hours or days of work, including to work no hours in certain circumstances. These directions are referred to as either a JobKeeper enabling stand down direction or a direction on this page.

The Fair Work Act JobKeeper provisions started on 9 April 2020. The last day the JobKeeper provisions will apply is 28 March 2021.

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- [Direction to reduce hours or days of work](#)
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In this section:

- [JobKeeper scheme – overview \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coron-](#)

[avirus/jobkeeper-wage-subsidy-scheme\)](#)

- [Changing duties or work location under the JobKeeper scheme \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/changing-duties-or-work-location-under-the-jobkeeper-scheme/changing-duties-or-work-location-under-the-jobkeeper-scheme\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/changing-duties-or-work-location-under-the-jobkeeper-scheme/changing-duties-or-work-location-under-the-jobkeeper-scheme)
- [Changing days or times of work under the JobKeeper scheme \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/changing-days-or-times-of-work-under-the-jobkeeper-scheme\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/changing-days-or-times-of-work-under-the-jobkeeper-scheme)
- [Pay and the JobKeeper scheme \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/pay-and-the-jobkeeper-scheme\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/pay-and-the-jobkeeper-scheme)
- [Leave and the JobKeeper scheme \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/leave-the-jobkeeper-scheme\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/leave-the-jobkeeper-scheme)

Who can use the JobKeeper provisions

The information in this section is for qualifying employers and their eligible employees.

Legacy employers and their employees can check what applies at [JobKeeper enabling directions and agreements for legacy employers \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/jobkeeper-enabling-directions-and-agreements-for-legacy-employers\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/jobkeeper-enabling-directions-and-agreements-for-legacy-employers) .

For a qualifying employer to give a JobKeeper enabling stand down direction, they need to:

- qualify for and enrol in the JobKeeper scheme
- be entitled to JobKeeper payments for the employee to whom the direction applies
- be a national system employer in the [Fair Work system \(https://www.fairwork.gov.au/about-us/legislation/the-fair-work-system\)](https://www.fairwork.gov.au/about-us/legislation/the-fair-work-system) .

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Direction to reduce hours or days of work

The information in this section is for qualifying employers and their eligible employees.

Legacy employers and their employees can check what applies at [JobKeeper enabling directions and agreements for legacy employers \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/jobkeeper-enabling-directions-and-agreements-for-legacy-employers\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/jobkeeper-enabling-directions-and-agreements-for-legacy-employers) .

A JobKeeper enabling stand down direction allows a qualifying employer to direct an [eligible employee \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme) to temporarily:

- not work on one or more days that they usually work
- work for a shorter period than the employee usually works on a particular day or days
- work less hours overall than the employee usually works
- not work any hours at all.

If a JobKeeper enabling stand down direction applies to an employee, the employee has to comply with it.

A qualifying employer can't use a JobKeeper enabling stand down direction to increase the number of hours an employee works. Learn more about requests to work [additional hours under the JobKeeper scheme \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/changing-days-or-times-of-work-under-the-jobkeeper-scheme/changing-days-or-times-of-work-under-the-jobkeeper-scheme\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/changing-days-or-times-of-work-under-the-jobkeeper-scheme/changing-days-or-times-of-work-under-the-jobkeeper-scheme) .

When an employer can give a direction

A qualifying employer can give an eligible employee a JobKeeper enabling stand down direction if:

- the employee can't be usefully employed for their normal days or hours because of business changes attributable to:

- the coronavirus pandemic, or
- government initiatives to slow coronavirus transmission (such as an [enforceable government direction \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/other-government-information-assistance/list-of-enforceable-government-directions-during-coronavirus\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/other-government-information-assistance/list-of-enforceable-government-directions-during-coronavirus))
- the employer meets the requirements for the direction, explained below.

When a direction ends

A qualifying employer could give an eligible employee a JobKeeper enabling stand down direction from 9 April 2020 (when the JobKeeper provisions started). A JobKeeper enabling stand down direction remains in effect until the first of the following:

- the employer stops being a qualifying employer
- the employee subject who is stood down by the direction stops being an [eligible employee \(https://www.ato.gov.au/General/JobKeeper-Payment/Employers/Your-eligible-employees/\)](https://www.ato.gov.au/General/JobKeeper-Payment/Employers/Your-eligible-employees/) ²⁷
- it is withdrawn, revoked or replaced (including by the Fair Work Commission, or
- the direction stops applying on 29 March 2021.

Requirements for a direction

Directions have to meet the following requirements:

- Qualifying employers have to implement the direction safely. This includes considering the nature and spread of coronavirus.
- Employers also need to make sure the direction is reasonable, taking into account all of the circumstances. This includes:
 - any caring responsibilities that the employee has
 - if the direction applies to a category of employees, making sure it doesn't have an unfair effect on some employees in that category compared to others.

If a direction is unreasonable, it doesn't apply to the employee.

The employer needs to follow notice and consultation requirements when giving a direction. See [How to give a direction](#) for details.

While a direction is in place, employers need to be aware of and follow the payment and leave rules that apply. See [Pay and the JobKeeper scheme \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/pay-the-jobkeeper-scheme/default\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/pay-the-jobkeeper-scheme/default) and [Leave and the JobKeeper scheme \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/leave-the-jobkeeper-scheme/default\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/leave-the-jobkeeper-scheme/default) for details.

When a direction is in place, it doesn't apply:

- when an employee is taking authorised paid or unpaid leave (such as annual leave or long service leave), or
- during any time the Fair Work Act says the employee is entitled to be absent from work (as opposed to taking leave), for example on a public holiday.

On 18 May 2020 the Federal Court of Australia handed down a decision confirming that an employee who has been stood down under the Fair Work Act can't take paid sick and carer's leave or compassionate leave. This page has been updated to reflect this decision.

An appeal of this decision will be heard by the Full Federal Court of Australia. In the meantime, the decision and information on this page reflects the current state of the law and applies to affected employers and employees.

A JobKeeper enabling stand down direction remains in effect until:

- it is withdrawn, revoked or replaced by the employer or the Fair Work Commission, or
- the direction stops applying on 29 March 2021.

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How to give a direction

The information in this section is for qualifying employers and their eligible employees.

Legacy employers and their employees can check what applies at [JobKeeper enabling directions and agreements for legacy employers \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/jobkeeper-enabling-directions-and-agreements-for-legacy-employers\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/jobkeeper-enabling-directions-and-agreements-for-legacy-employers) .

To give a direction qualifying employers need to:

- Notify the employee in writing at least 3 days before giving the JobKeeper enabling stand down direction. This applies unless the employee genuinely agrees to a shorter timeframe.
- Consult with the employee (or their representative) about the direction and keep a written record of the consultation.
- Give the employee the direction in writing.

Qualifying employers can use our:

- [JobKeeper notification of stand down template letter \(DOCX 78.1KB\) \(www.fairwork.gov.au/ArticleDocuments/218/jobkeeper-notification-of-stand-down-template-letter.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/218/jobkeeper-notification-of-stand-down-template-letter.docx.aspx) (PDF 413.1KB) (www.fairwork.gov.au/ArticleDocuments/218/jobkeeper-notification-of-stand-down-template-letter.pdf.aspx) to notify an employee that they plan to give a JobKeeper enabling stand down direction
- [JobKeeper stand down template \(DOCX 72.8KB\) \(www.fairwork.gov.au/ArticleDocuments/218/jobkeeper-stand-down-template-letter.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/218/jobkeeper-stand-down-template-letter.docx.aspx) (PDF 389.5KB) (www.fairwork.gov.au/ArticleDocuments/218/jobkeeper-stand-down-template-letter.pdf.aspx) to issue a JobKeeper enabling stand down direction.

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How a direction affects pay

The information in this section is for qualifying employers and their eligible employees.

Legacy employers and their employees can check what applies at [JobKeeper enabling directions and agreements for legacy employers \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/jobkeeper-enabling-directions-and-agreements-for-legacy-employers\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/jobkeeper-enabling-directions-and-agreements-for-legacy-employers) .

If an eligible employee has been given a JobKeeper enabling stand down direction, the qualifying employer has to pay the employee whichever is more:

- the amount of the applicable JobKeeper payment during the fortnight, or
- the employee's usual pay for work performed during the fortnight (including payments for any leave, public holiday pay and penalty rates).

Please note that on 24 September 2020 the Federal Court of Australia handed down a decision relating to how to determine pay for work performed during a fortnight under the JobKeeper scheme. That decision is being appealed. We are considering the implications of this decision and may update our information accordingly.

If an employee is normally paid less than the applicable JobKeeper amount per fortnight, the employee needs to be paid an amount equal to the full applicable JobKeeper amount for the fortnight.

For information about the different applicable JobKeeper payments, visit the ATO's [Payment rates \(https://www.ato.gov.au/General/JobKeeper-Payment/Payment-rates/\)](https://www.ato.gov.au/General/JobKeeper-Payment/Payment-rates/) [page](#).

When a qualifying employer gives an employee a JobKeeper enabling stand down direction, they can't reduce the employee's hourly base pay rate.

Employers can't ask their employees to use up their annual leave or long service leave as a condition of them receiving the benefit of the JobKeeper payment.

Qualifying employers need to nominate all of their eligible employees (also known as 'one in all in') when participating in the JobKeeper scheme. Employers need to deduct tax from their employees' pay.

For more information see:

- [Pay and the JobKeeper scheme \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/pay-the-jobkeeper-scheme/default\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/pay-the-jobkeeper-scheme/default)
- [Leave and the JobKeeper scheme \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/leave-the-jobkeeper-scheme/default\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/leave-the-jobkeeper-scheme/default) .

Go to [Pay, leave and ending employment for legacy employers \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/pay-leave-and-ending-employment-for-legacy-employers/pay-leave-and-ending-employment-for-legacy-employers\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/pay-leave-and-ending-employment-for-legacy-employers/pay-leave-and-ending-employment-for-legacy-employers) to learn about pay and leave for legacy employers and employees.

Example: Directed not to work any hours, JobKeeper payment is more than normal wage

Carly works part-time in a nail salon. The salon rosters her on for 5 hours a week (10 hours a fortnight) at \$30 per hour, with a fortnightly pay of \$300 (before tax).

The nail salon has to close because of an enforceable government direction. The business owner is not able to offer Carly alternative duties. The nail salon qualifies for the JobKeeper scheme and begins receiving JobKeeper payments for Carly each fortnight. The ATO pays the employer the JobKeeper payments monthly in arrears.

Because of Carly's hours of work, she is entitled to a JobKeeper payment of \$750 (before tax) per fortnight.

Carly's employer at the nail salon gives her a JobKeeper enabling stand down direction not to attend work at all. This is compared to her usual rostered 5 hours per week.

This means Carly is still entitled to the full applicable JobKeeper amount of \$750 (before tax) that the nail salon receives for her as an eligible employee, even though she is working no hours. Carly's employer pays her this amount fortnightly and is continued to be reimbursed by the ATO monthly in arrears.

Find out about the different types of JobKeeper payments and what applies to different employees at the ATO's [Payment rates \(https://www.ato.gov.au/General/JobKeeper-Payment/Payment-rates/\)](https://www.ato.gov.au/General/JobKeeper-Payment/Payment-rates/) [↗](#) page.

Example: Hours reduced, JobKeeper payment is less than normal wage

Henry works for an electronics business that has suffered a major downturn following the coronavirus outbreak.

Henry's employer is a qualifying employer under the JobKeeper scheme. His employer gives him a JobKeeper enabling stand down direction to reduce his ordinary working hours from 76 to 64 hours per fortnight.

Henry's base pay rate is \$30 per hour, which his employer can't reduce. He now only works 64 hours a fortnight and his fortnightly pay has fallen from \$2280 (\$30 per hour multiplied by 76 hours worked in a fortnight) to \$1920, before tax (\$30 per hour multiplied by 64 hours worked in a fortnight).

Henry's reduced fortnightly pay is still higher than the applicable fortnightly JobKeeper amount of \$1200 (before tax). This means his employer has to pay him \$1920 per fortnight. Henry's employer receives JobKeeper payments each fortnight for Henry from the ATO, paid monthly in arrears.

Find out about the different types of JobKeeper payments and what applies to different employees at the ATO's [Payment rates \(https://www.ato.gov.au/General/JobKeeper-Payment/Payment-rates/\)](https://www.ato.gov.au/General/JobKeeper-Payment/Payment-rates/) [↗](#) page.

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How a direction affects minimum entitlements and other conditions

The information in this section is for qualifying employers and their eligible employees.

Legacy employers and their employees can check what applies at [JobKeeper enabling directions and agreements for legacy employers \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/jobkeeper-enabling-directions-and-agreements-for-legacy-employers\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/jobkeeper-enabling-directions-and-agreements-for-legacy-employers) .

An employee's usual terms and conditions of employment continue to apply, except to the extent they're modified by a JobKeeper enabling stand down direction. Terms and conditions of employment may come from an award, agreement or employment contract.

A JobKeeper enabling stand down direction can't reduce minimum pay rates under the Fair Work Act. Any terms and conditions not related to the direction continue (such as penalty rates and accrual of leave).

This means that if an employer reduces an employee's hours or days of work under a JobKeeper enabling stand down direction, the employee needs to be paid whichever is more:

- the applicable JobKeeper payment amount per fortnight, or
- an employee's usual pay for work performed during the fortnight (including payments for any leave, public holiday pay and penalty rates).

You can use our [Pay Calculator \(https://calculate.fairwork.gov.au/findyouraward\)](https://calculate.fairwork.gov.au/findyouraward) to find pay rates for awards.

Employees working under a JobKeeper enabling stand down direction still accrue their usual leave entitlements for the period the direction applies. Service is counted for all purposes including if the direction reduced an employee's hours to zero. Redundancy pay and payment in lieu of notice of termination are also calculated based on the usual hours and days of work (as if the direction hadn't been given).

For more information see:

- [Pay and the JobKeeper scheme \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/pay-the-jobkeeper-scheme/default\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/pay-the-jobkeeper-scheme/default)
- [Leave and the JobKeeper scheme \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/leave-the-jobkeeper-scheme/default\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/leave-the-jobkeeper-scheme/default) .

Read more about [Stand down of employees and continuous service \(https://www.fairwork.gov.au/library/k600488_stand-down-of-employees-continuous-service\)](https://www.fairwork.gov.au/library/k600488_stand-down-of-employees-continuous-service) in our Library.

Secondary employment

An employee of a qualifying employer who has been given a JobKeeper enabling stand down direction (www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/jobkeeper-enabling-stand-down-directions/default) can ask their employer for permission to take on another job. The employer needs to consider this request and can't unreasonably refuse it.

An employee can receive income from another employer while their primary (qualifying) employer is receiving JobKeeper payments on their behalf. The secondary employer can't claim JobKeeper payments on the employee's behalf, but the secondary employment won't affect the JobKeeper payments the employee's primary employer is receiving.

Example: Request for secondary employment

Gabriela is a part-time attendant at a local cinema, ABC Cinemas. ABC Cinemas has closed because of an enforceable government direction and doesn't have any other work to offer Gabriela.

ABC Cinemas qualifies for the JobKeeper scheme and is entitled to JobKeeper payments for Gabriela. ABC Cinemas gives Gabriela a JobKeeper enabling stand down direction, telling her not to work for 2 months. They pay her the \$750 (before tax) JobKeeper payment each fortnight, as she qualifies for this JobKeeper payment based on her ordinary hours of work.

Gabriela asks ABC Cinemas for permission to work as a casual cleaner for another local business while she is stood down. ABC Cinemas needs to consider this request and can't unreasonably refuse it.

ABC Cinemas gives Gabriela permission to work as a cleaner. ABC Cinemas needs to keep paying Gabriela the amount of her JobKeeper payment each fortnight, even while she's working as a cleaner.

Find out about the different types of JobKeeper payments and what applies to different employees at the ATO's [Payment rates \(https://www.ato.gov.au/General/JobKeeper-Payment/Payment-rates/\)](https://www.ato.gov.au/General/JobKeeper-Payment/Payment-rates/) [page](#).

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Requests for training or development

The information in this section is for qualifying employers and their eligible employees.

Legacy employers and their employees can check what applies at [JobKeeper enabling directions and agreements for legacy employers \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-)

Employees can ask their qualifying employer if they can take on secondary employment, training or professional development. Employers have to consider these requests and can't unreasonably refuse them.

An employee's terms and conditions revert back to what they were before the direction was given when:

- the direction is withdrawn, revoked or replaced (including by the Fair Work Commission), or
- the direction stops applying on 29 March 2021.

Example: Request for training during JobKeeper stand down refused

Shane works full-time as a mechanic.

Because of coronavirus, the number of customers coming to have their cars repaired has substantially decreased. Shane's employer is a qualifying employer under the JobKeeper scheme and gets JobKeeper payments for Shane.

Shane's employer calls him and explains that because of the downturn in business, he can only be usefully employed for 3 days a week at the moment - Mondays, Wednesdays and Fridays. Shane's employer gives him written notice that he plans to use a JobKeeper enabling stand down direction, to stand Shane down from work for the other 2 days. He discusses this with Shane, taking into account Shane's caring responsibilities. Shane's employer keeps a written record of this consultation. 5 days later, Shane's employer issues him the direction, again in writing.

The next week, Shane calls his employer and asks if he can enrol in a full-time TAFE course studying automotive repairs, which would be at his own expense and requires him to attend his TAFE college 5 days a week during the day.

His employer carefully considers Shane's request but lets him know that they can't agree to the request. This is because the course requires Shane to attend TAFE full-time during the day, and he's required to work 3 days a week. Instead, Shane and his employer discuss other options, and agree that Shane can do the course part-time and only study on the days he has been stood down from work.

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More information

Qualifying employers

Find out more about [Changing duties, location or days and times of work under the JobKeeper scheme \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/changing-duties-location-or-days-and-times-of-work-under-the-jobkeeper-scheme/default\)](#) .

Legacy employers

Legacy employers and their employees can find out more about the provisions that apply to them at [JobKeeper enabling directions and agreements for legacy employers \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/jobkeeper-enabling-directions-and-agreements-for-legacy-employers\)](#) .

More information:

- [Legacy employers \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers\)](#)
- [Information for financial service providers \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/information-for-eligible-financial-service-providers\)](#)
- [Pay, leave and ending employment for Legacy employers \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/pay-leave-and-ending-employment-for-legacy-employers/pay-leave-and-ending-employment-for-legacy-employers\)](#) .

Stand downs

For information about stand downs when a business is not accessing the JobKeeper scheme, go to [Stand downs during coronavirus \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/stand-down-during-coronavirus/default\)](#) .

Read about the [difference between stand down, unpaid leave and shut down \(https://www.fairwork.gov.au/library/k600633_difference-between-stand-down-unpaid-leave-shut-down\)](https://www.fairwork.gov.au/library/k600633_difference-between-stand-down-unpaid-leave-shut-down) in our Library.

Enforcement and dealing with disputes

We help employers and employees understand and follow Australian workplace laws. We do this by:

- providing information and education
- providing tools, templates and guides
- helping you resolve workplace issues.

Our [Resolving workplace issues during coronavirus page \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/contact-us/resolving-workplace-issues-during-coronavirus/resolving-workplace-issues-during-coronavirus\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/contact-us/resolving-workplace-issues-during-coronavirus/resolving-workplace-issues-during-coronavirus) has information and resources to help you resolve workplace disputes. It also has information about our enforcement role under the JobKeeper scheme and who can help with:

- questions about eligibility for the JobKeeper scheme
- disputes about directions or requests under the JobKeeper scheme
- disputes related to requirements for legacy employers, including certificates.

JobKeeper scheme

For more information on the scheme, including how to enrol, go to the [ATO website – JobKeeper section](https://www.ato.gov.au/general/jobkeeper-payment/) [\(https://www.ato.gov.au/general/jobkeeper-payment/\)](https://www.ato.gov.au/general/jobkeeper-payment/). For information about the different applicable JobKeeper payments, visit the ATO's [Payment rates](https://www.ato.gov.au/General/JobKeeper-Payment/Payment-rates/) [\(https://www.ato.gov.au/General/JobKeeper-Payment/Payment-rates/\)](https://www.ato.gov.au/General/JobKeeper-Payment/Payment-rates/) page.

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website 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 workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.

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