



Template letter for standing down employees – due to the impacts of coronavirus

Who can use this template letter?

You can use this template letter if you're an employer who needs to stand down your employees under section 524 of the Fair Work Act due to coronavirus.

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.

It's best practice to notify affected employees in writing if you are standing them down because of stoppages of work attributable to the impacts of coronavirus.

! IMPORTANT

Make sure you're using the latest version of this template letter by [downloading the most up-to-date version](https://coronavirus.fairwork.gov.au/stand-down) 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.

Checklist: What employers should consider before standing down employees

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

Step 1 – Check you are using the correct template

You can use this template letter if you're an employer that needs to stand down your employees under section 524 of the Fair Work Act due to coronavirus.

Step 2 – 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](#). This includes information about stand downs from work, flexible work arrangements, workplace health and safety, and pay and leave entitlements at www.coronavirus.fairwork.gov.au

Step 3 – Check your award, agreement or contract for stand down provisions

If you and your employee are covered by an award, enterprise agreement or contract, check what unique stand down provisions may apply to your situation. Even if your award, enterprise agreement or contract does not have a specific clause about stand downs, it might have different rules about consultation requirements.

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

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

! IMPORTANT

This template is not suitable for use if you intend to stand down an employee under a provision in an enterprise agreement or contract, or if you are using the close down provisions in an award.

Step 4 – Confirm you can demonstrate that there has been a stoppage of work that you, as the employer, cannot reasonably be held responsible for

Step 5 – Confirm there is no other useful work that the employee can do (which may not be limited to the work an employee usually performs)

□ Step 6 – 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 www.coronavirus.fairwork.gov.au
- [Complete our short course](http://www.fairwork.gov.au/learning) about having difficult conversations in the workplace at www.fairwork.gov.au/learning
- Submit an enquiry online through [My account](http://www.fairwork.gov.au/my-account) at www.fairwork.gov.au/my-account
- Contact us on 13 13 94 (select the prompt for the coronavirus hotline).

□ Step 7 – 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 **purple writing** 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 the impacts of coronavirus

<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>

<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 e.g. '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 section 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.

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

[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 they can choose to. Full-time and part-time employees accrue leave (such as annual and personal leave) as normal during the stand down.

Employees who are stood down without pay by their employer under the Fair Work Act can't use paid sick and carer's leave or compassionate leave during the stand down.

Employees can use other types of leave by agreement with their employer during a stand down. Examples include:

- annual leave
- long service leave
- paid leave under an applicable award, enterprise agreement or employment contract.

The usual rules about requesting and taking leave apply.

Employees who are stood down without pay by their employer under the Fair Work Act are still entitled to be paid for public holidays that fall during the stand down period. This applies if the employee would normally have ordinary hours of work falling on the day of the public holiday.

For information about what leave employees can take when a Fair Work Act stand down applies go to [Stand downs](http://www.coronavirus.fairwork.gov.au/stand-down) at www.coronavirus.fairwork.gov.au/stand-down

You have been stood down <insert pay details, e.g. '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 (e.g. a public holiday), then you're not considered to be stood down under the Fair Work Act for that time. For information on what types of leave you can take during a stand down, go to [Stand downs](http://www.coronavirus.fairwork.gov.au/stand-down) at [coronavirus.fairwork.gov.au/stand-down](http://www.coronavirus.fairwork.gov.au/stand-down)

<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, e.g. 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](http://www.coronavirus.fairwork.gov.au) at www.coronavirus.fairwork.gov.au. 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.

[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>

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS

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