

JobKeeper Directions – Checklist

Threshold Conditions		
Must be met in relation to any JobKeeper direction		
1.	Employer qualifies to receive JobKeeper Payments under either the default test, or one of the alternative tests. Qualification information at this link .	
2.	Employee qualifies: Employer must be entitled to one or more JobKeeper payments for the employee who will be subject to the JobKeeper direction.	
3.	During JobKeeper period: The direction must be for a period that includes or consists of the period the employer is receiving JobKeeper payments for the employee.	
4.	Written notice: The employer has given the employee at least 3 days' written notice of the direction, or the employee has genuinely agreed to less than 3 days' notice.	
5.	Consultation: The employer has consulted with the employee about the direction. May occur concurrently with notice, and does not carry an obligation to agree to change the direction.	
6.	Not unreasonable: The direction must not be unreasonable in all the circumstances. For example, it must not unreasonably affect an employee's carer's responsibilities.	
Stand Down / Reduce Hours		
1.	Cannot usefully be employed: Employee cannot usefully be employed for their normal days or hours during the period of the direction.	
2.	Changes attributable to COVID-19: Employee cannot usefully be employed for normal days/hours because of changes to the business attributable to the COVID-19 pandemic / government initiatives to slow COVID-19 transmission.	
3.	Minimum wage guarantee: Employee must receive the greater of: <ul style="list-style-type: none"> • \$1,500 per fortnight JobKeeper payment; or • the amount payable to the employee in relation to the actual work performed during the fortnight (incl. overtime, loadings etc.). 	
4.	No reduction to pay rate - only days/ hours of work.	
5.	Not on authorised leave/ public holiday: A stand down direction/ reduction in hours direction will not apply while the employee is taking leave, or on a public holiday for which the employee would have otherwise been paid.	

Alternative Duties

1.	Reasonably necessary: Employer has information leading it to believe the direction is reasonably necessary to ensure the continued employment of 1 or more employees.	
2.	Licence/ qualification must be held by the employee if required to perform the alternative duties.	
3.	Within scope of business – alternative duties are reasonably within the scope of the employer’s business operations.	
4.	Safe: Alternative duties must be safe, including in relation to COVID-19.	

Alternative Location

1.	Reasonably necessary: Employer has information leading it to believe the direction is reasonably necessary to ensure the continued employment of 1 or more employees.	
2.	Suitable: The alternative location is suitable for the performance of the employee’s duties.	
3.	Within scope of operations: The Alternative location is within the scope of the employer’s business operations.	
4.	Reasonable distance: If the alternative location is not the employee’s home, the employee does not have to travel a distance that is unreasonable in all the circumstances.	
5.	Safe: Alternative location must be safe, including relation to COVID-19.	

Annual Leave

1.	2 week leave balance must remain – a request to take annual leave must not result in the employee having a balance of fewer than 2 weeks annual leave.	
2.	Agreement to take annual leave at half pay must be in writing .	
3.	Must not be unreasonably refused by an employee.	