

JOBKEEPER UPDATE



Preparing for the end of JobKeeper

Key dates and actions for employers

The Federal Government's JobKeeper scheme is coming to an end on **28 March 2021**, meaning businesses will no longer be entitled to receive JobKeeper payments for their eligible employees or utilise the temporary Fair Work Act JobKeeper provisions which gave employers certain flexibilities. It is a critical period for employers and now is the time to be preparing for this change.

This JobKeeper Update provides information on key actions to take to prepare for the end of the JobKeeper payments and Fair Work Act JobKeeper provisions, as well as other areas for consideration with respect to employment requirements post-JobKeeper. Template letters have also been drafted for use by individual employers, and can be tailored to suit the employer's specific circumstances prior to use.

Preparing for the end of JobKeeper payments:

- **Communicate with employees prior to the end of JobKeeper:** As the JobKeeper payment program ends on 28 March, employees' wages will revert back to their pre-JobKeeper levels. It is recommended that you notify your employees of this, particularly where the amount received under JobKeeper may differ from the employee's regular pay rate. [See Template Letter A.](#)
- **Submit your March monthly business declaration to the ATO:** You do not have to take any specific action with the ATO when the program ends, however you will need to complete your final monthly business declaration for March by 14 April 2021.
- **Consider other options for Government assistance:** Although the JobKeeper scheme will not be extended there may be additional assistance available to employers such as grants, hiring incentives and targeted support for particular sectors. Visit business.gov.au or contact your local employer organisation for more information.

Preparing for the end of JobKeeper enabling directions:

- **Notify employees that the JobKeeper enabling direction will cease:** Any JobKeeper enabling direction, whether issued by an employer currently on JobKeeper or a Legacy Employer, will cease to have effect from the start of 29 March 2021. This means that employees will revert to their substantive terms and conditions of employment. While the direction will automatically cease to apply, employers should communicate with their employees about the change. [See Template Letter B.](#)
- **Consider employment requirements post-JobKeeper:** If your business is still experiencing the effects of the COVID-19 pandemic you should consider your employment requirements post-JobKeeper. This includes whether employees can be stood down, whether other flexibilities may be permitted under an industrial instrument or by agreement, or whether any positions may be redundant. Given the complex nature of the considerations and related employment obligations, we recommend contacting your employer organisation for specific advice tailored to your business's needs.

Template letter A

Notice that JobKeeper payments will cease

Preliminary matters

This template letter can be used by employers seeking to notify their employees they will no longer receive payments provided for as part of the JobKeeper scheme from 29 March 2021.



While there is no strict requirement that employers must notify employees of the end of JobKeeper payments, we recommend employees be notified of this to assist with communication, particularly where the amount received under JobKeeper may differ from an employee's regular pay rate.

! How to use the template letters

The template letters contains **highlighted** text which indicates areas which you simply need to replace the writing with what applies to your employee's situation. **Ensure all highlighted text has been completed or deleted, as appropriate, before issuing a letter to any employee.**

These documents are intended as a guide only and do not provide or purport to provide legal advice to any person or business. Individuals and businesses should obtain independent legal advice specific to their circumstances.

TEMPLATE LETTER A – END OF JOBKEEPER NOTIFICATION LETTER

<Insert company letterhead>

<Insert Date>

Private and confidential

<Insert employee's full name>

<Insert employee's address>

Dear <Employee>

Notice of the end of the JobKeeper Payment scheme

As notified on [*insert date*], we receive JobKeeper payments in relation to you as an eligible employee as a result of qualifying for the JobKeeper Payment scheme, which are passed on to you.

I am writing to advise you that the JobKeeper scheme will end on 28 March 2021. This means that the last JobKeeper payment we will receive for our eligible employees, including you, will be for the fortnight of 15 March – 28 March 2021.

After 28 March 2021, we will not receive any further JobKeeper payments, and as a result, no further payments will be passed on to you as part of your wages.

From 29 March 2021 you will only receive payment for [*insert details of how the employee is ordinarily paid e.g. for the hours you actually work as per the relevant award / wages as per your employment contract, etc*].

If you have any questions about this matter, please do not hesitate to contact me on [*insert contact details*].

Yours sincerely,

<Insert name>

<Insert position>

Template letter B

Notice that JobKeeper enabling direction will cease

Preliminary matters

This template letter can be used by employers seeking to notify their employees that a JobKeeper enabling direction that has been issued to them to perform alternative duties, change their location of work or reduce their hours/days of work will no longer apply on and from 29 March 2021. This is because the JobKeeper scheme ends on 28 March and the JobKeeper provisions in the Fair Work Act will no longer apply.



While any JobKeeper enabling direction will automatically cease to apply on 29 March and there is no strict requirement under the Fair Work Act to notify employees, we strongly recommend that employers communicate with their employees about the change.

! How to use the template letters

The template letters contains **highlighted** text which indicates areas which you simply need to replace the writing with what applies to your employee's situation. Explanatory information is shown in *blue italics* to assist you and should be deleted once you have finalized the letter. **Ensure all highlighted text and explanatory information has been completed or deleted, as appropriate, before issuing a letter to any employee.**

These documents are intended as a guide only and do not provide or purport to provide legal advice to any person or business. Individuals and businesses should obtain independent legal advice specific to their circumstances.

TEMPLATE LETTER B – END OF JOBKEEPER ENABLING DIRECTION

<Insert company letterhead>

<Insert Date>

Private and confidential

<Insert employee's full name>

<Insert employee's address>

Dear <Employee>

JobKeeper enabling direction to alter employee [duties/work location/ hours or days of work]

I am writing to inform you that the direction given to you on [insert date] to [perform alternative duties/change your location of work/ to reduce your hours and/or days of work] in regards to your employment as a [insert position] with [insert company name] will cease to apply to you on 29 March 2021 as the JobKeeper scheme ends on 28 March and the JobKeeper provisions in the Fair Work Act will therefore no longer apply.

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

[Option 1: Include this if your JobKeeper direction was in relation to the employee's duties]

[Your work duties from 29 March 2021 will therefore revert back to [insert details of how the employee's duties have been changes i.e 'from current duties as a Sales assistant back to your usual duties as a Regional manager].]

[Option 2: Include this if your JobKeeper direction was in relation to the employee's location of work]

[Your location of work from 29 March 2021 will therefore revert back to [insert original address].]

[Option 3: Include this if your JobKeeper direction was in relation to the employee's days/hours of work]

[Your [hours and/or days] of work from 29 March 2021 will therefore revert back to [insert original hours and/or days of work for permanent employees, or for casual employees specify that they will be rostered as required and advise when a roster can be expected to be provided].]

If you have any questions about this matter, please do not hesitate to contact me on [insert contact details].

Yours sincerely,

<Insert name>

<Insert position>