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JOBKEEPER PAYMENT SCHEME Q&A

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On 9 April 2020, the Australian Government passed legislation to provide for JobKeeper payments as a way of dealing with the economic impact of the coronavirus.

The following questions & answers are for eligible employees (<https://www.ato.gov.au/General/JobKeeper-Payment/Employees/Eligible-employees/>). This information is accurate as at 16 April 2020. Updates will be provided as further information becomes available.

Disclaimer

This Q&A contains information of a general nature only and is not a substitute for professional legal advice. You should obtain legal advice from a lawyer about your particular situation before acting on any of the following information. This Q&A is designed for Victorian and national system employees in Tasmania and Queensland only. If you are not a Victorian employee or a Queensland or Tasmanian national system employee, you should obtain specialist legal advice about your case as soon as possible.



⇒ JobKeeper Payment – What is it and am I eligible for it?

The 'JobKeeper payment' gives eligible businesses \$1500 per fortnight (before tax), per employee for six months to help pay the wages of their employees.

Payments are expected to start from 1 May, 2020 – but will be backdated to the 30 March, 2020.

You can only access this payment if you AND your employer meet the eligibility criteria.

Additionally, your employer must register their interest with the Australian Tax Office here (https://www.ato.gov.au/general/gen/JobKeeper-payment/?=redirected_JobKeeper).

EMPLOYEES

As an employee you will eligible for this payment (provided your employer has registered) if:

- You are currently employed. This includes employees who have been stood down and recently re-hired;
- You were employed by your employer as at March 1, 2020.
- You are a permanent employee (either full-time or part-time) or a casual worker who has been employed on a regular basis for more than a year as at March 1, 2020.
- You are at least 16 years old
- You are an Australian Citizen; or
- You hold a permanent visa; or
- You hold a 'protected' Special Category visa (this applies to New Zealand citizens who were in Australia on 26 February 2001)
- You hold an 'unprotected' Special Category visa (this applies to New Zealand citizen who have been residing in Australia continuously for more than 10 years; or
- You hold a Special Category (sub-class 444) visa (again this is applicable to New Zealand citizens in Australia)
- Current information suggests that workers on temporary working visas, including international students, are not eligible for this payment.
- You are not in receipt of a JobKeeper payment from another employer.

What if I have already been made redundant, or if I have been dismissed by my employer?

If you are an employee who has already been made redundant or if you have been dismissed you will not be eligible for the JobKeeper payment. You will need to apply for the JobSeeker payment instead. You can do that here.

(<https://www.servicesaustralia.gov.au/individuals/services/centrelink/jobseeker-payment/how-claim>)

What if I get paid less than \$1500 per fortnight?

Regardless of how much you earn, if you and your employer are eligible for this scheme, all eligible workers will receive \$1500 per fortnight, before tax. This amount purportedly represents 70% of the median wage.

If you receive more than \$1500 per fortnight, the payment acts as a subsidy and your employer would be expected to pay you the difference.

Can I access this payment if my hours have been cut down but I am still working?

Yes. If your hours have been reduced by your employer, and provided your employer registers and meets the eligibility criteria, you will be eligible to receive this payment.

How will the payment be made?

From the information at hand, an employer will be required to provide the Australian Tax Office with comprehensive records of their staff and the employees who will receive it. The subsidy will be paid to the employer who will then pay it on to the employee via the usual method that wages in the business are paid.

Will superannuation be payable on the payment?

This will depend on each individual employment situation.

For example, if an employee receives more than \$1500 per fortnight, the payment will act as a subsidy for the employer and the employer will be expected to continue to pay super contributions on the amount of ordinary wages the employee receives.

If an employee earns less than \$1500, the employer will only be expected to pay super contributions on their customary amount of pay but can choose to pay super contributions on the full \$1500 if they choose.

If an employee has been stood down, or is on leave without pay, then they should receive the full \$1500 per fortnight (before tax) and there are no superannuation contributions payable on this amount.

EMPLOYERS

As an employer you will be eligible to register for access to this scheme if:

- Your business has an annual turnover of less than 1 billion dollars and has experienced a 30% drop in revenue since March 1, 2020;
- Your business has an annual turnover of more than 1 billion dollars and has experienced a 50% drop in revenue since 1 March, 2020.

Businesses that are subject to a major bank levy will not be eligible for the scheme.



Self-employed workers will also need to register with the ATO in order to access the JobKeeper scheme.

Remember, if eligible, an employer must sign up for this scheme in order to be considered.

A fact sheet for employers is available from the Federal Treasury site here.

(https://treasury.gov.au/sites/default/files/2020-03/Fact_sheet_Info_for_Employers_3.pdf)

⊕ My employer has apparently applied for the JobKeeper scheme. What does this mean for me?

⊕ Can my employer pick and choose which employees they are nominating for the JobKeeper scheme?

⊕ My employer has registered interest for the JobKeeper scheme and is proposing to reduce the number of hours that I work. Can they do this?

⊕ My employer has qualified for the JobKeeper scheme. They are now proposing to reduce my hourly rate of pay. Can they do this?

⊕ My employer has reduced my hours under a JobKeeper enabling stand down direction. They want me to use my annual leave to supplement my pay. Can they do this?

My employer has registered for the JobKeeper scheme, but their business remains closed. I have been stood down completely.

⊕ What am I entitled to?

⊕ Do my entitlements continue to accrue during the period of stand down

⊕ What happens if I am made redundant during the period of stand down?



⊕ My employer has directed me to perform duties that are not within my current contract of employment. Can they do this? If so, is there a limit on how long I can be directed to do different duties?

⊕ My employer has directed me to perform my duties at a different location than where I usually perform my work. Can they do this? And for how long?

⊕ Does my employer need to give me notice before issuing a JobKeeper enabling direction?

⊕ My employer has stood me down completely under a JobKeeper enabling stand down direction. Does the period that I have been stood down count toward my length of service?

⊕ My employer has issued me with a job keeper enabling direction. Do I have to comply?

⊕ My employer has issued me with a JobKeeper enabling direction, but I do not agree with it. What can I do?

