

COVID-19 and JobKeeper

What is JobKeeper?

- JobKeeper is a temporary government program to try to help workers keep their jobs.
- Only some businesses are eligible and you should check if your employer is eligible.
- There was an initial scheme that ended on 27 September 2020. JobKeeper has now been extended to 28 March 2021, but the rules and amounts have changed across three different periods:
 - **JobKeeper 1**- up to 27 September 2020
 - **JobKeeper 2**- 28 September 2020 to 3 January 2021
 - **JobKeeper 3**- 4 January 2021- 28 March 2021
- Workers will continue to receive JobKeeper through their employer if they and their employer are eligible, and their employer is claiming JobKeeper.

JobKeeper 1

- JobKeeper 1 - the initial scheme ended on 27 September 2020.
- Under the initial scheme, the government paid the employer \$1,500 a fortnight in JobKeeper payment for each eligible employee.
- \$1,500 was paid to workers by their employers in the same way as wages, so it was taxed.
- An employer could not pick and choose which employees got paid JobKeeper - if one eligible employee got JobKeeper, all eligible employees should have received it.

To be eligible, you needed to meet the following requirements:

- Be aged 16 or over;
- Employed by the business as at 1 March 2020;
- Employed for any fortnight that the JobKeeper payment will be claimed for you;
- Employed as a full time or part time employee. Casual workers must have been employed on a "regular and systematic basis" for at least 12 months as at 1 March 2020;
- Be an Australian resident or special category visa holder (in general, employees on temporary visas are unlikely to be eligible);
- Provide your employer with a completed nomination form;
- If you have more than one job, you can only apply for JobKeeper for one;
- Some workers could not get it (for example, workers getting workers compensation or paid parental leave);
- Some self- employed workers may be eligible for JobKeeper.

JobKeeper 2

- Started 28 September 2020 and ended 3 January 2020.
- The payment was different, depending on the number of hours worked, as follows:-

	Tier 1 payment	Tier 2 payment
Amount of JobKeeper:	\$1,200 per fortnight before tax	\$750 per fortnight before tax
Who the rate applied to:	<ul style="list-style-type: none"> • Eligible employees who worked for 80 hours or more in the four weeks of pay periods before either 1 March 2020 or 1 July 2020, and • Eligible business participants who were actively engaged in the business for 80 hours or more in February and provide a declaration to that effect. 	Any other eligible employees and eligible business participants.

To be eligible, you needed to meet the following requirements:

- Employed by the employer (including if you were stood down or re-hired);
- Aged 18 or over (16 and 17 year olds may qualify depending on their circumstances);
- Employed by the business as at 1 July 2020;
- Employed for any fortnight that the JobKeeper payment will be claimed for you;
- Employed as a full time or part time employee. Casual workers must have been employed on a “regular and systematic basis” for at least 12 months as at 1 July 2020 and not a permanent employee of another employer;
- An Australian resident or special category visa holder (in general, employees on temporary visas are unlikely to be eligible);
- Provided your employer with a completed nomination form;
- If you had more than one job, you could only apply for JobKeeper for one.
- Some workers could not get it (for example, workers getting workers compensation or paid parental leave);
- Some self- employed workers were eligible for JobKeeper.

JobKeeper 3

- Is for the period 4 January 2021 and 28 March 2021 (unless extended).
- Eligibility for JobKeeper 3 is the same as for JobKeeper 2, but the amount of money your employer is paid in JobKeeper payment is different.
- The payment is different, depending on the number of hours worked.

	Tier 1	Tier 2
Amount of JobKeeper:	\$1,000 per fortnight before tax	\$650 per fortnight before tax
Who the rate applies to:	<ul style="list-style-type: none"> • Eligible employees who worked for 80 hours or more in the four weeks of pay periods before either 1 March 2020 or 1 July 2020, and • Eligible business participants who were actively engaged in the business for 80 hours or more in February and provide a declaration to that effect. 	Any other eligible employees and eligible business participants.

What do employees get paid under JobKeeper?

Situation	Pay each fortnight
Worker is told not to come to work – temporarily 'stood down'	JobKeeper payment amount, not normal wage.
Worker is on unpaid leave or on paid leave of less than JobKeeper amount	JobKeeper payment amount, not normal wage.
Worker is still working, earning less than JobKeeper amount each fortnight	JobKeeper payment amount, not normal wage.
Worker is still working (normal or reduced hours), earning more than JobKeeper amount per fortnight	Full wages for the hours worked
Worker is on paid leave and should get paid more than JobKeeper amount	Full wages they should get on paid leave

Examples

Since 2017, Jon works part time in a gym, 20 hours per week, earning \$25 per hour. He usually gets paid \$1000 before tax per fortnight. The gym was closed due to the Covid-19 government shutdown in March and Jon was told by his employer that he doesn't have any work for Jon to do. The business and Jon qualify for JobKeeper. When the gym reopened Jon was told there was not enough work and he was told that he was stood down from his job and has not worked since then. Although Jon usually only earned \$1000 per fortnight, he received \$1500 (before tax) per fortnight under JobKeeper until 27 September 2020, from 28 September 2020 he has received \$1,200 (before tax), and from 4 January 2021 he started receiving \$1,000 (before tax).

Jen also works at the gym. She worked 38 hours per week, earning \$25 per hour. She usually gets paid \$1,900 before tax each fortnight. She also qualifies for JobKeeper, and there is also no work for her to do. Although Jen usually earned \$1,900 per fortnight, she will only receive the JobKeeper amount and not her normal wage.

Jes works in a retail store that was not shut down but there has been a large downturn of work. She works 38 hours per week, earning \$25 per hour. She usually gets paid \$1,900 before tax each fortnight. She also qualifies for JobKeeper. She is still working the same hours at work. As Jes is entitled to get paid for all the work that she does, she still gets paid \$1,900 per fortnight. Depending on when the business is eligible, her employer may be getting the JobKeeper amount of the amount paid to Jess per fortnight from the government through the JobKeeper scheme.

JobKeeper Rules

- Employers can give their workers 'JobKeeper Enabling Directions' which can mean you have to work less hours, or temporarily not come to work, or work different duties or at a different place than normal.
- Employers must talk to you about the change and tell you at least 3 days before the change is due to start.
- The changes must be safe and reasonable. If you need a particular qualification or licence to do the work, your boss can't ask you to do the work unless you have that qualification or licence.
- Employers can ask you do agree to some other changes and your boss can tell you to take annual leave, as long as you will be left with at least 2 weeks, which you can't unreasonably refuse to take.
- You and your employer can also agree that you take twice the annual leave at half the pay.
- You still work for your employer during this time, even if you are asked not to come to work, so you still earn annual leave etc.
- If you are told you must do something that you are concerned about, you should get legal advice as you may be able to dispute this by making a complaint can be made to the Fair Work Commission.

Where can I get help or more information

 <p>KLC kingsford legal centre</p>	<p>Kingsford Legal Centre – Legal Advice</p> <ul style="list-style-type: none"> • email legal@unsw.edu.au, • complete the online form on our website or • call (02) 9385 9566 (Monday- Friday 9am – 1pm, 2pm – 5pm)
 <p>MIGRANT EMPLOYMENT LEGAL SERVICE <small>FREE CONFIDENTIAL LEGAL HELP</small></p>	<p>Migrant Employment Legal Service- Legal Advice for Migrants</p> <ul style="list-style-type: none"> • Call (02) 8002 1203 <p>Complete the online form on their website: https://mels.org.au/contact/</p>
 <p>Community Legal Centres NSW</p>	<p>Your local community Legal Centre- Legal advice</p> <ul style="list-style-type: none"> • Call Law Access on 1300 888 529 • Visit the CLCNSW website: https://www.clcnsw.org.au/find-legal-help
 <p>Fair Work Commission</p>	<p>Fair Work Australia (Information and complaint body)</p> <ul style="list-style-type: none"> • For information about making a complaint • https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/employment-conditions-during-natural-disasters-and-emergencies • https://www.fwc.gov.au/resources/benchbooks/JobKeeper-disputes-benchbook
 <p>Australian Government Australian Taxation Office</p>	<p>Australian Taxation Office (Information only)</p> <ul style="list-style-type: none"> • https://www.ato.gov.au/General/JobKeeper-Payment/Employers/ • https://www.ato.gov.au/General/JobKeeper-Payment/Payment-rates/80-hour-threshold-for-employees/