



PRYOR  
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SOLICITORS & NOTARIES

# “JOBKEEPER ENABLING PROVISIONS” IN THE *FAIR WORK ACT 2009 (Cth)*

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*Changes have been made to the Fair Work Act 2009 (Cth) to support the operation of the JobKeeper scheme.*

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New JobKeeper provisions in the *Fair Work Act 2009 (Cth)* commenced operation on 9 April 2020 and end on 28 September 2020. The provisions enable those employers eligible to participate in the JobKeeper program the ability to give “JobKeeper enabling directions” to eligible employees. Depending on the circumstances, employers may be able to stand down an employee, change employees’ typical duties and work location, while the provisions are still in force. Those employers and employees involved in the JobKeeper program may also be able to make agreements to change working days and times and take annual leave. Directions can include directing an eligible employee to not work on one or more days that they would typically work, work for a shorter period of time on certain days or work less hours overall. “JobKeeper enabling stand down directions” can only be given to an eligible employee if they cannot be usefully employed for their normal working days or hours due to business changes caused by the pandemic or government initiatives in response to the pandemic. Employees to whom the stand down direction applies must comply with the direction. These provisions do not alter employees’ general protections. However, employers do not have to make directions under these provisions, and can give reasonable (and safe) directions to employees (not on leave or absence) to work normal hours. More information can be found on these provisions on the Fair Work Ombudsman website.

