

JOBKEEPER UPDATE

The historic \$130 billion JobKeeper package was passed in Parliament late on Wednesday 8 April after the TWU and then wider union movement forced the government to reverse its position on providing a wage subsidy package.

While the fight continues to make sure every worker is included and to make the scheme fairer here's the latest on the JobKeeper payment.

If you have any questions please contact your organiser/official or TWU branch.

WHAT TWU MEMBERS HAVE WON SO FAR:

- \$1,500 fortnight wage subsidy for full-time, part-time, long-term casuals and sole traders
- Workers won't be forced to take Long Service Leave
- Workers can be asked to take annual leave but must maintain a two week leave balance
- Workers now have the right to refuse to take annual leave. The onus is on your employer to take you to the Fair Work Commission to contest your refusal.
- Particular business units/divisions can qualify even if they are part of a larger entity meaning more workers will now be able to access JobKeeper.
- Changes to the Fair Work Act only applies to employers eligible for the JobKeeper payment
- Protects the rate of pay for workers ensuring they are properly paid for all work undertaken at the legal hourly rate of pay, not artificially capped at the \$1500/fortnight wage subsidy
- Allows variation in working conditions only after consultation and in many cases requires the agreement of employees;
- However even if your employer changes your role or responsibilities, your pay level is preserved for hours worked; and
- Allows any dispute to be arbitrated by the Fair Work Commission to ensure reasonableness and fairness.

WHAT DOES THIS MEAN?

If your employer is eligible and applies for JobKeeper, you must receive a minimum of \$1,500 a fortnight regardless of how much (or if) you work. The following payments count towards this minimum:

- Salary, wages, commission, bonus or allowances
- Amounts withheld for tax purposes
- Contributions to superannuation

Any work you do should be paid at your normal rate.

If your hours have not changed and you would normally earn more than \$1500 per fortnight, you must receive all payments and contributions to which you would normally be entitled based on your Award or Enterprise Agreement. Your pay should not change.

If you have been stood down or your wage is less than \$1500 per fortnight, your pay will be topped up to ensure you receive at least \$1500 per fortnight (before tax) in payment. As it stands, any pay provided by the government subsidy does not attract additional superannuation payments, although you can speak to your employer about contributing some of the payment into your superannuation.

Remember to speak to your delegate or organiser/official to make sure you are being paid properly for the work you are doing.

IMPACT ON YOUR ENTERPRISE AGREEMENT OR AWARD

The government has made changes to the Fair Work Act that may have an impact on your EA and the Award. There are changes around stand downs, directions to perform duties and direction on work locations for employers who qualify for the JobSeeker payment. **These changes must be reasonable and in writing.** You are entitled to at least 3 days' notice and must be consulted.

Stand Downs

You can be stood down because of the COVID-19 pandemic either completely or partially (for example reduced hours or days). You are not stood down whilst on a period of leave authorised by the employer or whilst otherwise authorised to be absent.

If you're still working, your usual hourly rate of pay cannot be reduced due to a JobKeeper enabled partial stand down direction.

You can request to engage in reasonable secondary employment, training or professional development. Your boss cannot unreasonably refuse such a request.

Alterations to duties and locations

You can be assigned to different duties or locations, but they must be within your skill and competence and must be safe (including but not limited to with respect to COVID-19). You must be paid whichever is higher: your normal rate of pay or the base rate for the duties performed.

Where a direction is given in relation to work location, the location must be suitable, any associated travel must not be unreasonable. It must be safe to perform the duties (including with respect to COVID-19).

While you can't unreasonably refuse these requests including the taking of annual leave (as long as you have a 2-week balance remaining) it is important you talk to your delegate or organiser/official before accepting such changes as you still have right to refuse depending on the circumstances and that decision can be reviewed.

BEING UNION MATTERS NOW MORE THAN EVER.

If you or anyone you work with is not yet a member, join now: www.twu.com.au/join

TOGETHER, WE ARE STRONGER.

JOIN NOW FOR A BETTER FUTURE.

www.twu.com.au/join

TWU Michael Kaine **P:** 02 8114 6500 **E:** twu@twu.com.au **W:** www.twu.com.au

Authorised by Michael Kaine, National Secretary, Transport Workers' Union. Level 2, 388-390 Sussex Street, Sydney 2000 p (02) 8114 6500 e twu@twu.com.au

