

Table 1: Requirements for JEDs/Agreements

1. Employer must give written notice of intention to give the direction at least 3 days before the direction (unless employee genuinely agrees to a lesser notice period). *
2. Employer must consult with the employee (or their representative) before giving the direction and keeps written record of consultation. *
 - *Steps 1 and 2 are not necessary if the:
 - i. employer previously took these steps in relation to an earlier direction of the same type;
 - ii. employee/their representative expressed a view; and
 employer considered views in deciding to give the direction.
3. Direction is in writing.
4. Employer qualified for JobKeeper.
5. The stand down is/duties are safe having regard to (without limitation) the nature and spread of COVID-19.
6. Employer is entitled to one or more JobKeeper payments for the employee for the period.
7. Employee cannot be usefully employed for their normal days/hours because of changes to the business attributable to:
 - i. COVID-19 pandemic; or
 - ii. Government initiatives to slow the transmission of COVID-19.
8. The direction is reasonable (it does not apply if it is unreasonable in all the circumstances).
9. Employer has complied with the 3 new payment obligations as follows:
 - i. Satisfying the wage condition;
 - ii. Ensuring the minimum payment guarantee; and
 - iii. Abiding by the hourly rate of payment guarantee.
10. The duties are reasonably within the scope of the business operations.
11. Employee has appropriate licence/qualifications, where required.
12. Employer reasonably believes direction necessary to continue the employment of one or more employees.
13. The place where the employee is to work is suitable for the duties.
14. If the place is not the employee's home, it does not require unreasonable travel (including with reference to COVID-19 circumstances).
15. Performance of the duties is both safe and reasonably within the scope of the employer's business operations.
16. The agreement does not reduce the employees ordinary hours.



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