

The IEU is aware of a number of schools asking members to sign the ATO form nominating themselves as an “eligible employee” for JobKeeper entitlements i.e. JobKeeper nomination form. Members have rightly contacted the IEU, asking whether they should sign this form.

By signing a JobKeeper nomination form and agreeing to be nominated, an employee not only entitles their employer to receive the JobKeeper Payment of \$1500 per fortnight, but potentially allows their employer to issue to a ‘JobKeeper stand down direction’ under the recent amendments to the Fair Work Act. Stand down directions allow an employer to reduce an employee’s hours of work.

If members are approached to sign a JobKeeper nomination form, please let your IEU organiser know so we can provide you with the appropriate advice.

Set out below is the IEU’s preliminary response for members in relation to requests made by school employers. Members working in Early Childhood may face different circumstances, and the IEU continues to investigate the proper response in those situations.

If a member is instructed to sign a JobKeeper nomination form

1. The IEU will contact the school to confirm if the school is eligible for JobKeeper – it is our understanding that only very few schools will in fact be eligible.
2. If you currently earn less than \$1500 per fortnight, you will not be disadvantaged under the JobKeeper scheme and should feel free to sign a nomination form. Your employer should not ask you to do additional work equivalent to the value of \$1500 per fortnight.
3. If you have been stood down without pay and you acknowledge there is no useful work available that you can do at the school, you should feel free to sign – e.g. if you are employed as an aquatic centre attendant, sports coach, theatre manager, etc. If the school intends to claim JobKeeper, they must begin paying you for each period for which JobKeeper is claimed. Under the legislation, employers will start receiving monthly subsidies from the ATO from the first week of May, but payments will be backdated to March 30. Employers will only be reimbursed after they have paid employees.
4. Other support staff- do not sign without asking if the employer is likely to stand you down/reduce hours. You should be provided with an idea or indication as to what the school intends.
5. Teachers – in most cases teachers should not be stood down or have hours reduced as there will be useful work available. It is essential that teachers clarify whether the employer intends to change their ongoing employment and hours, as the employer would unlikely be able to reduce hours without the changes to the Fair Work Act that accompany JobKeeper. However, the employer may wish to claim the JobKeeper payment and *not* reduce the hours of a particular employee, in which case there is no disadvantage to the employee.

As these matters continue to develop, and when the IEU is kept informed, IEU organisers will be attempting to contact the relevant schools and centres to determine eligibility and

begin preliminary discussions as to whether the employer would be prepared to give or indicate an undertaking regarding stand downs, reduced hours, or any other changes to working arrangements and entitlements.

Unfortunately, not all employers choose to inform the IEU of their intention to apply for JobKeeper or enact other changes to their employees' arrangements. Again, if you or your colleagues are asked to sign a JobKeeper nomination form, we strongly recommend you notify the IEU as soon as possible, so we can provide you with the best assistance and advice.

A Few Facts About JobKeeper

- It's \$1500 per fortnight regardless of your previous income. So if:
 - You normally earn less than \$1500, you will get \$1500 and the employer should not ask you to work more hours than you normally do; or
 - You normally earn more than \$1500 per fortnight, the JobKeeper payment will make up the first \$1500 of your fortnightly pay. That is, you should still get the same value for the hours that you work.
- For most employers, they must show a 30% drop in revenue to be eligible. Most schools will not suffer that level of loss of revenue.
- The scheme doesn't help all workers. It excludes:
 - People first employed after 1 March 2020
 - casuals employees unless they are regular and systematic casual employees who have worked for an employer for at least 12 months
 - temporary visa holders (except New Zealanders).
- The payment will be made to the employer through the ATO from 1 May and backdated to 30 March 2020. Employers must make the fortnightly payments to employees before the employer receives payment from the ATO – that is, payments relating to the April must be made to employees before the end of April.
- The JobKeeper payment is taxable income.
- Superannuation is not payable on any amount you receive above your normal wage, or if you are stood down. Otherwise super must be paid as normal in respect of ordinary time earnings received for work performed.
- The employer is legally obliged to keep you on, but is not required to give you work to do.
- To receive JobKeeper payment, the eligible employer must apply for the JobKeeper scheme and each eligible employee must fill out a "JobKeeper nomination form".
- Employees can only make a claim for the JobKeeper payment from their 'primary employer'. So, if you work at two different jobs and you cannot receive JobSeeker payment from both employers. You also cannot receive both JobKeeper and Jobseeker.
- It is not dependent on income. It's a flat payment.
- If an employee has been stood down since March 1 they will be eligible for the JobKeeper payment.
- If your employer qualifies for JobKeeper payments for you, they gain certain new powers including the ability to stand you down or reduce your hours because you cannot be usefully employed due to the Covid-19 pandemic and related government decisions.