

This factsheet provides information about the JobKeeper scheme. It is general information only. If your client needs more specific advice please contact us at refugeeservice@legalaid.nsw.gov.au or call us on 8713 6725.

What is JobKeeper?

JobKeeper is a scheme administered by the Australian Tax office (the ATO). It is not a Centrelink payment, and Centrelink do not make the payments

Under the scheme, the Government will pay businesses affected by COVID-19 an amount \$1,500 a fortnight for each eligible employee so that they can keep their businesses running and pay their employees wages.

The payment will be made to the **employer** who must then pass it on to the **employee**

The employer must apply to the ATO to get the JobKeeper payment, and then pass it on to the employee.

The employer can decide whether to apply for JobKeeper. It is not up to the employee to apply.

Who is eligible?

Employers (the business)

A business (including a non-for-profit) will be able to get access to the JobKeeper payments if:

- It has a turnover of less than \$1 billion and the turnover has fallen by more than 30% because of COVID-19
- It has a turnover of more than \$1 billion and the turnover has fallen by more than 50% because of COVID-19
- A person is self-employee as long as they meet the turnover test above (that is, if they have a turnover of less than \$1 billion they must have lost 30% of their business because of COVID-19)
- A registered charity who has had a 15% fall in their turnover (or income)

The payments will likely cover the period from 30 March until 27 September (6 months).

The business needs to register with the ATO, and the ATO will decide whether they are eligible. Businesses had until 31 May 2020 to register.

Employees (the people working for the business)

Employees must:

- be an Australian or New Zealand citizen, or an Australian permanent resident
- have been employed on 1 March 2020 and be:
 - A full-time worker
 - A part-time worker
 - A long-term casual (a person who has been employed on a regular basis for longer than 12 months)
 - A person who has been 'stood down' because the business could not afford to pay them
 - A person who has lost their job because of COVID-19, but was still working with the business on 1 March 2020, and is re-hired

How does it work?

My employer does not want to apply for JobKeeper, can I make them apply so I can get the \$1,500 a fortnight?

No. If your employer decides not to apply for JobKeeper there is nothing you can do to make them apply. It is entirely up to them to decide whether they apply or not.

Can the employer keep any of the \$1,500, or do they have to pass it all onto the employee?

The employer is not permitted to keep any of the \$1,500 they receive from the Government and must pass it all on to the employee.

If a person usually earns less than \$1,500 a fortnight, does the employer pay them what they usually earn and keep the rest?

No. The employer must pay the entire amount of \$1,500 to the employee, even if the employee does not generally earn that amount, and even if the employee has not increased his or her hours.

If a person usually earns more than \$1,500 a fortnight, does the employer have to pay them their usual wage, even if they are getting JobKeeper?

Yes. The employer must top up the difference between the \$1,500 a fortnight it gets from the government and what the employee usually earns. So if your usual wage is \$2,000 a fortnight, the employer pays you the \$1,500 JobKeeper payment and must pay you the additional \$500 from his or her own money.

Can my employer reduce my hours so that they only have to pay me \$1,500 a fortnight?

Yes, but the reduction in hours has to be because the business has been affected by COVID-19 and there isn't enough work to employ you full-time. Any changes to hours or conditions must be reasonable.

Can they change my working conditions, or ask me to do different duties?

Yes, but the change in conditions must be reasonable. For example, they can ask you to do different duties, or work different days or hours, or ask you to work at a different location.

I have two part-time jobs. Can I get a JobKeeper payment from both?

No. You can only get \$1,500 a fortnight from one employer, even if you have more than one job.

I have been stood down by my employer and am getting a JobSeeker payment, Can I get both JobSeeker and Job Keeper?

No. If you receive the JobKeeper payment this counts as income and you must tell Centrelink if you start getting JobKeeper. It will mean that you are not eligible for JobSeeker payments (although you may still be eligible for some other Centrelink payments, depending on your situation).

How can clients get help?

For free legal help call 1300 888 529 or [call your local Legal Aid NSW office](#).

To contact the Legal Aid Refugee Service call 8713 6725 or email refugeeservice@legalaid.nsw.gov.au

There is also a series of [factsheets about COVID-19 and the law](#) available on the Legal Aid NSW website to assist you to manage all the changes that are happening in our community.

If you need an interpreter, call the Translating and Interpreting Service on 131 450 and ask for LawAccess NSW. If you find it hard to hear or speak, call the National Relay Service on 133 677 and ask for LawAccess NSW or visit www.relayservice.gov.au.

This factsheet is intended as a general guide to the law. Do not rely on this information as legal advice. We recommend you talk to a lawyer about your situation. This information is correct at the time of writing, however, it may change.

CVREF03 | Current at 11 June 2020 | © Legal Aid NSW