When a Business is faced with closure, through no fault of the business owner (such as when work orders stop, supply of vital materials has ceased, or in the case of Government initiated Lockdowns for Pandemics), there are a few steps that an employer must take before standing down staff:

1. Look for alternate working conditions such as
   1. Work from home opportunities
   2. Alternate duties (which can not be denied by the employee if reasonable and safe to do – unless they choose paid or unpaid leave)
   3. Alternate work hours and rosters (again, your employee can opt for leave – either paid or unpaid)
   4. Paid or unpaid leave – and there are provisions that allow an employee to make half pay arrangements)
2. Determine if there are any Pandemic Leave provisions in your Award(s), Enterprise Bargain, or Employment contacts.
3. Consider Standing down your employees.

A checklist for Stand down is available on the Fair Work Website

<https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-leave-and-stand-downs/stand-downs#before-standing-down-employees-checklist>

If you choose to stand down your employees, you must give them a Stand Down Notice. A template with Instructions can be found on the Fair Work Website on the above page but we have also saved a copy of this Word document on our webpage – just below the link to this document you are reading now.

1. A couple of things to note:

If the Stand Down is in accordance with Section 524 of the Fair Work Act:

* 1. Employees cannot take sick / carer’s leave or compassionate leave during the stand down.
  2. Public Holidays are still payable to employees if they fall on what would have been a normal workday for that employee.
  3. Employees continue to accrue leave entitlements during the stand down include sick / carer’s leave and annual leave.
  4. The time away from work counts towards an employee’s service period.

If the stand down is in accordance with other provisions (Awards etc) then you must apply those provisions. Generally speaking, the Fair Work Act stipulates the lessor of all obligations so please make sure you check your Awards.

1. How can you help your employees who are without an income?

Refer them to the COVID-19 Disaster Payments site on Human Services.

Refer them to our website. Send them a copy of our resources that we have uploaded for you.

1. **DISCLAIMER:** We are not Lawyers, and we are definitely not HR Lawyers. We cannot provide legal advice. We recommend doing your own research, contacting your lawyer, phoning Employsure for some free, limited, advice. You can phone 1300 651 415 and use our ERA 0450. Please note: if you take up a Subscription with Employsure, KDC Accounting will receive a referral free. A Subscription is not required for advice provided in a phone call.