



‘HOW TO’ GUIDE

MANAGING COVID-19 BUSINESS CONTINUITY PLANS

A lot of our clients are feeling anxious about the unprecedented health crisis that is gripping the world. The illness and associated Government mandated shutdowns have had significant impacts on the operation of all types of businesses.

As business owners ourselves, we know downturns are scary in the moment, particularly when the world around you is panicking. We have been carefully monitoring the impact of the pandemic on our operations as well as supporting many of you to carry on operating your businesses, through providing advice on:

- business continuity planning and how best to restructure;
- helping manage staff; and how best to implement the
- JobKeeper Payment.

FOR NOW, WHAT SHOULD I DO?

In all this uncertainty, there are unique questions facing businesses, and it’s hard to know what to prioritise. This ‘how-to’ guide provides a response to some of the main challenges we know our clients are navigating as a result of the COVID-19 shutdowns, slowing of business and Government subsidies.

There are four parts to this guide:

PART 1: BUSINESS CONTINUITY AND WORKFORCE PLANNING

The approach and planning that your business should be considering at this time.

PART 2: HOW CAN I DOWNSCALE MY WORKFORCE

The options you have when you need to reduce your wage bill, including stand-downs and restructuring.

PART 3: WHAT DO I NEED TO KNOW ABOUT THE JOBKEEPER PAYMENT?

An overview of the JobKeeper subsidy and how best to implement it in your business.

PART 4: HOW TO COMMUNICATE AND LEAD IN A HEALTH CRISIS

Our top tips on how to lead your workforce in this difficult time.

FREE 15 MINUTE CONSULT



In conjunction with this ‘how-to’ guide, we are offering **free 15 minute initial consults** with one of our experienced consultants, where we can assist you on a more personal and tailored level, and discuss how we may help your business come through this crisis as fit and healthy as possible.

To book your consult, [click here](#).



ADDITIONAL RESOURCES – JOBKEEPER HANDBOOK

In addition to this free guide, we have produced a comprehensive [JobKeeper Handbook](#). The Government's announcement of the new JobKeeper Payment is a great relief to many businesses. However – it's no silver bullet. To survive through this disruption, and then thrive long term, you'll need to have:

- Proper processes and procedure in place;
- Clear communication and documentation with employees; and
- In depth knowledge of how to make JobKeeper work for YOU and your business.

The pack contains essential advice, documents and templates to step your business through implementing the JobKeeper Payment. It also includes a 60 minutes discussion with one of our consultants who can talk you through any queries you may have on the JobKeeper and your business!

We have provided a [Sample JobKeeper Handbook Template Letter](#) on the final page of this 'how-to' guide. This template is a letter that you may use if you are directing employees to take annual leave under the JobKeeper legislation.

ABOUT US

Workplace Wizards provides expert workplace relations, human resources, industrial relations, Workplace Health and Safety and workers' compensation advice and support on demand and tailored to your business needs.



Our Experienced team of advisors offer a complete range of employee management and workplace relations services, giving you professional advice, training and step-by-step assistance at highly competitive rates.

For all your needs workplace needs, please contact one of our experienced consultants on 0458 644 469 or mark@workplacewizards.com.au.

For more information about our services or to sign up to our mailing list for essential business updates, please visit www.workplacewizards.com.au.

PART 1: BUSINESS CONTINUITY AND WORKFORCE PLANNING

WHAT DO I FOCUS ON?

There are a **number of key areas you need to be focusing** on to keep your business alive and ready to thrive after this period of uncertainty – your patients, your customers, your clients, your cash flow, your assets, your supply chains and, of course, your staff. Here are our top tips to direct your focus:

1. Frequently review your business continuity plans. The latest announcements from Federal and State governments regarding shutdowns have impacted the operations of many, if not all, businesses in Australia. Business continuity planning is a process of setting in place a process that will allow your business to continue to function throughout this crisis. A business continuity plan should include both:

- a) **Scenario planning** –working through potential future scenarios and associated approaches, i.e. ‘if X or Y happens, what will we do?’; and
- b) **Workforce Planning** –analysing, questioning and planning to ensure you have the right workforce in place to achieve your organisational vision, goals and objectives. It is about aligning your resourcing with the needs and priorities of your business. For more information on workforce planning, and how we may assist, see [here](#).

2. Communicate – or even over-communicate – with your people. This is the time for you to demonstrate your leadership and provide reassurance. It is also a time to draw on the immense expertise, skills, support and resources in your workforce. For tips on how to communicate with staff, see section 4 of this ‘how to’ guide.

3. Lean in on your advisors – your CFO or accountant, your bank manager, your management teams and your people on the ground. They can all help you with your scenario-planning and preparing and implementing your business continuity plans. The Federal Government has announced a number of stimulus packages, subsidies and cashflow assistance that might apply to your business. Click [here](#) for an overview of the Federal Government support available, and [here](#) for Victorian Government.

4. If, in your scenario-planning, you have questions or concerns about:

- a) **managing your workplace leave entitlements** – see our blog on [determining the leave entitlements that apply during CV19](#).
- b) **working from home policies** - see our free ‘how-to’ guide on [managing employment change and promoting flexibility](#).
- c) **the JobKeeper Payment** – see our outline in [Part 3](#) of this ‘how to’ guide.

5. If you are concerned about what happens if you don’t have enough work for people to do,

and **restructure and redundancy** is a potential scenario in your business continuity plan then read part 2 of this ‘how to’ guide to learn about some workforce planning strategies you may be able to deploy to avoid having to let go of your valued people. We also have a free [‘how-to guide on how to manage a restructure and redundancy](#) should you need it.

6. If you are considering **terminating an agreement** with a supplier or contractor, you should consider your relationship with the supplier or service provider, and how important it will be when the crisis passes. You might still decide to do it, but if you do, check what the ramifications will be – legal, financial and reputational.

PART 2: HOW CAN I DOWNSCALE MY WORKFORCE?

With orders, bookings and profitability down, and less customers or clients (or staff) coming into your business for the foreseeable future, the community is feeling the impact of COVID-19 and it is a really difficult time for business, the NFP sector and government.

While the JobKeeper Payment and other subsidies may provide some relief for businesses, many of our clients are already preparing and implementing their business continuity plans to keep their businesses alive and well during this period of uncertainty.

An important part of those business continuity plans is staff – keeping them healthy, keeping them safe, keeping them working (insofar as possible), keeping them employed (insofar as possible).

This section outlines some of the answers to common client questions regarding downscaling your workforce during a pandemic generally.

If restructure and redundancy is a scenario in your business continuity plan, see this part to learn about some workforce planning strategies you may be able to deploy to avoid having to let go of your valued people.

If you are entitled to the **JobKeeper payment**, also see **Part 3 of this 'how-to' guide**, which outlines the additional alternate options regarding flexible work arrangements, adjusted work hours and stand downs available under the JobKeeper legislation.

WHAT IS REDUNDANCY?

This is where an employer decides that a position within an organisation is no longer required by the organisation, regardless of the employee who occupies that position. Whilst the position may be declared redundant, this does not automatically mean the employee occupying that position receives a retrenchment payment. Other options for that employee can include re-deployment to another position. A requirement of *Fair Work Act 2009* (Cth) is that re-deployment options are explored.

With COVID-19, thousands of Australian businesses are having to restructure due to economic circumstances. Whether it be the catering or event management company, restaurant, café or travel agency, current staffing levels are likely to be excess of operating requirements both during, and immediately after, the COVID-19 period. To meet legal requirements, the employer must be able to demonstrate that the position/s declared redundant no longer exists and will **not** be filled by another employee/s. If entire stores or departments are being closed down (e.g. the entire travel agency, or the project is 'pulled' for 2020, meaning the project management team now have no project/duties to work on). Further, as was common during the GFC, position/s can be abolished but part (or all) of those duties are absorbed / shared between other existing employees (meaning those who 'survive' the process will be a whole lot busier!).

ALTERNATIVES TO REDUNDANCY

Before you make the hard (and sometimes costly) decision to make some of your valued team members redundant, take some time to carefully consider **alternatives** to redundancy that may be available, including:

- **reducing casual** staff numbers or casual staff hours.
- **reducing overtime** – Can you more assertively manage your month end, or rotating roster, such that overtime is stripped out, and that elevated cost is instead allocated to keeping some of your workers employed permanently?
- **altering rosters** and opening hours (by agreement with your employees) – it may be your business is not open or operating.
- possible **job sharing** arrangements (by agreement with the employees) – Would employees agree to work 3 days per week instead of five, or enter into a job-share with a buddy on an equivalent level, working together, say, on Wednesdays, but job-sharing the other work days? Could you have workers looking to transition to retirement and this crisis might be a valuable opportunity to ‘float’ this idea and attempt a mutually beneficial solution?
- possible **decrease in working hours** for a determined period of time (by agreement of the employees) – Could your workers drop back to 4 day weeks for two months, on a trial basis, to see if they can ‘share the pain’ and all take a ‘haircut’ in take home pay, as an alternative to some of their team being made redundant?
- **re-deployment** of the employee – If you are carrying excess staff in a certain area but ‘crying out’ for staff in another area, can you re-deploy some of the now-surplus staff across into this other department/office?
- any other method that may mitigate against an employee being terminated from employment / made redundant (and, in the current significant global economic downturn, unlikely to find equivalent employment for likely a long time).
- You and your employee may also agree that the employee will take **leave** (either paid (in full or at half pay), unpaid or a mixture of both) for the next couple of months and see where things are then.
-

It is important to note that employees must agree to any of the above changes. They have rights and entitlements protected by their employment contract (such as the right to be paid for 38 hours per week if employed full-time). Therefore, regardless of whether the company considers the change the best course of action, if the employee does not consent then the employer cannot impose these reductions/modifications on the worker. These will be treated as unilateral changes to an employment contract and likely breaches of contract which would be actionable by the worker.

Where you are entitled to the JobKeeper payments, you may also consider the **additional options under the JobKeeper legislation** that will apply (see [Part 3](#) of this ‘how-to’ guide).

UNPAID STAND DOWN AS A SECOND-TO-LAST RESORT

If your employees are *not* entitled to apply the options (such as stand down or employer directions) under the JobKeeper legislation, the final workforce planning strategy you can deploy, prior to having to restructure, is declaring an ordinary unpaid ‘stand down’ under the *Fair Work Act 2009* (Cth).

What is a Stand Down?
Under the *Fair Work Act 2009* (Cth) Act, a stand down is where an employee cannot be usefully employed because of a stoppage of work outside of an employer’s control and is stood down from work without pay. Stand down must be viewed as a last resort where all other options have been exhausted, and *only* where all the requirements under the *Fair Work Act 2009* (Cth) may be met (see below).

‘Stand down’ in this context must also not to be confused with a ‘suspension’. A suspension, on the other hand, involves suspending/asking not to work under a further decision is made about their continuing employment (e.g. they are being investigated for misconduct). An employee is paid during a period of ‘suspension’ and the period is temporary (i.e. until a further decision is made about their continuing employment).

During a ‘stand down’ period:

- an employee ‘stands by’ (usually from home, given ‘social distancing’ and other Governmental advice and social warnings) until they can be usefully employed – this means their status as an employee continues;
- however, an employee *does not have a right to payment* from the employer for the duration of the ‘stoppage of work’;
- the National Employment Standard (NES) entitlements in the Act (such as annual leave, carer’s leave, etc) continue to accrue;
- however, an employee is able to make requests to access some of their paid entitlements (annual or long service leave), and if the employee does not wish to continue their ‘stand down’, to say, get another job which pays them or to access welfare benefits (see below) this would likely (but not definitely) be considered a ‘resignation of employment’.

The benefits of a stand down are that staff remain on stand-by until you are able to operate again, and the employer avoids a costly severance payment (which may be impossible given other cashflow concerns). However, this dramatic step has significant consequences for staff – a stand down effectively deprives workers of an income for an indefinite amount of time and constrains their inability to claim Centrelink benefits. Hence why it should be treated as an action of last resort.

Standing down your workforce (or certain offices/divisions/teams) should only be considered:

- as a final approach *before* enacting more dramatic (and permanent) restructuring resulting in redundancies, but *after* attempts at getting modifications/reductions in labour/costs by consent (e.g. employees

agreeing to go on annual leave) have failed or were not successful enough to ‘stem the bleeding’ of your workforce. We strongly encourage you to get specific advice from us before ‘letting out’ a stand down of some (or all) of your workforce. The legal requirements to satisfy prior to ‘standing down’ employees under the ‘Fair Work Act 2009 (Cth) can be difficult to satisfy, especially proving that there has been a ‘stoppage’ of work.

Can I Stand Down my Employees because of COVID 19?

Yes – assuming you meet the requirements of the FW Act. Stand down under the FW Act is more difficult than that under the JobKeeper legislation.

To determine if you satisfy the criteria, consider the following:

1. Are there stand down provisions in my employees' contracts or enterprise agreement?
Your employee's contract or applicable enterprise agreement may contain additional provisions about stand down such as consultation or notice periods. If that's the case, you will need to comply with these.

2. Is COVID-19 really the reason for the stoppage of work (i.e. can causation be established)?
Employers must ensure that they can prove that the *actual reason* for standing down employees is a 'stoppage of work' caused by something outside of their control and that the Government developments regarding COVID-19 mean your employees cannot be usefully employed. There is always a risk an employee will bring a general protections claim claiming that the *real reason* behind the stand down was different – e.g. in situations where not everyone is stood down, they may allege they were selected on the basis that they had previously made a safety complaint.

In that case, a reverse onus of proof applies, and it is the employer who must prove that it was due to the 'stoppage of work'.

3. Has there been a complete stoppage of work?
You may only stand down employees where there has been a *complete stoppage* of work. This must be more than a mere slowing or disruption of operations such as changed office hours, or less production.
The last lawful stand downs in Victoria came following the Esso Longford gas explosion in 1998 which meant many Victorian businesses were without gas for many weeks and unable to trade.
In the case of COVID-19, at this stage the Government has shut down the operation of 'non-essential' businesses or undertakings and caused employees to work from home where possible. If this has completely stopped your business from operating (or part of your I.e. you are a pub and cannot open), then you have had a 'complete stoppage'.
On the other hand, reduced orders and lack of deliveries from overseas production are significant business interruptions, but may not constitute a 'complete stoppage'.

4. Can employees be usefully employed elsewhere in the business?
In order to enliven stand down provisions, employers are required exhaust all potential alternate modes that the employee may be 'usefully employed' other than their ordinary role. This includes considering whether arrangements such as working from home, redeployment, or other flexible working would be available as discussed above.

5. Can employees take a period of authorised leave or absence?

An employee will **not** be considered to be 'stood down' if they currently are on authorised unpaid or paid leave or absence.

You may be able to agree with staff that they will take their annual or long service leave or even unpaid leave before having to resort to a stand down.

However, you can only direct annual leave in accordance with industrial instrument and/or the National Employment Standards. Long Service Leave may only be taken by agreement in accordance with State legislation or the applicable industrial instrument.

Generally, there is no capacity to direct employees to take long service leave save for with prescribed notice (varies from one to six months across States & Territories).

6. Is the stand down 'fair'?

Like any employer processes, the choice to stand down certain employees must be implemented fairly. Given a stand down effectively deprives workers of an income for an indefinite amount of time, you may consider taking additional steps to lessen the harsh effects on employees, such as:

- o inviting employees early to access their annual or long service leave entitlements;
- o allowing an advance in pay or leave (e.g. negatively accrue leave);
- o providing additional ex gratia payments; and
- o providing as much notice as possible for stand down period.

What Payment is an employee entitled to if I stand them down?

If employees are not eligible for JobKeeper, employees who are stood down may be temporarily eligible for JobSeeker Payments or Youth Allowance. As per the Government announcement on 25 March 2020, such allowances will be available if employee is:

- a permanent employee who has been stood down or lost their job;
- caring for someone who's affected by COVID-19; or
- sole trader, self employed, a casual or contract worker whose income has reduced.

Such entitlements, however, will be subject to income testing.

CONCLUSION

It is helpful to remain calm and consider your business continuity plan methodically. Lean in on your advisors and engage in some scenario-planning to help reassure you and galvanise your business.

Sadly, our Australian laws are restrictive, and you may feel like there is only an 'all or nothing' approach. However, with open communication and some creativity, you may be able to find the flexibility (and cost-saving) measures you need to weather this health crisis.

We are here to help with any questions, documents and communications you need.

PART 3: WHAT DO I NEED TO KNOW ABOUT THE JOBKEEPER PAYMENT?

This section outlines the JobKeeper subsidy that has come as a great relief to many businesses.

However –the payment is temporary and not a complete fix. In order to ensure your business thrives, we recommend you seek additional guidance and advice to ensure you have proper processes in place, clear communication with employees and an understanding of how best to adopt this JobKeeper Payment and associated flexibilities to your business.

Our additional resource pack – ‘[The JobKeeper Handbook](#)’ provides assistance to you through:

- A step-by-step guide to the new legislation;
- 12 template documents to help you apply, communicate and adapt; and
- 60 minutes of consulting advice on implementing the JobKeeper scheme in your business (taken all at once or spread throughout a month).

WHAT IS THE JOBKEEPER PAYMENT AND AM I ELIGIBLE?

What is the JobKeeper Payment?

The JobKeeper Payment is a \$1,500 (gross) fortnightly payment made to employers, to be passed on to eligible employees, including those who remain employed and are ‘stood down’.

The JobKeeper subsidy was introduced on 8 April 2020 and provides payments for eligible employees from the beginning of March until 31 December, allowing a maximum of 26 weeks (13 fortnights) of payment in respect of each eligible employee.

Who is Eligible for the JobKeeper Payments?

To be entitled to the payment, you must be an “eligible employer”, and employ “eligible employees”.

Your business will be eligible if you are:

- a business with an annual turnover of less than \$1b and you estimate your turnover will likely fall by 30% or more;
- a business with an annual turnover of more than \$1 billion, and you estimate your turnover will likely fall by 50% or more;
- a registered charity that estimates their turnover has or will likely fall by 15% or more; or self-employed and you estimate your turnover will likely fall by 30% or more.

Employees will be eligible if they were employed as of 1 March 2020. This includes employees who have been stood down or re-hired.

It does not include anyone who is not an Australian citizens/permanent resident, or a casual employee unless they have been regularly employed for over 12 months (i.e. long-term casuals).

What Are the Employer Obligations attached to the JobKeeper Payment?

An employer must pay the full value of the JobKeeper payment each fortnight (i.e. \$1,500) onto an eligible employee or the full value of the work your employee has worked in a fortnight (whichever is higher). This applies even if your employee did not work during the fortnight.

For any hours an employee works, their hourly rate of pay cannot be less than either their usual hourly rate or the usual hourly rate that applies to the work (whichever is greater).

The Fair Work Commission has jurisdiction to hear disputes about the JobKeeper payments and actions of an employer.

What if my Employee Ordinarily Earns less than the \$1,500?

If your employee ordinarily earns less than \$1,500 in income per fortnight, under JobKeeper Payment, they must be paid a minimum of \$1,500.

The JobKeeper Act requires that you pass on the entire JobKeeper payment even if your employee normally earns less – the idea being that the JobKeeper payment should be as simple and easy to administer as possible.

What JobKeeper Directions Can I Make?

If you qualify for JobKeeper, as an employer, may make 'JobKeeper directions' to your employees, including to:

- stand down your employees – in full or in part (i.e. reduced hours), subject to conditions including that the employee cannot be usefully employed because of the COVID-19 pandemic or government initiatives to slow the transmission of COVID-19;
- direct your employees to change their duties and location of work, subject to conditions including consultation requirements and reasonableness; and request that your employee change their work days or annual leave and they can't unreasonably refuse the request.

WHAT DO I NEED TO CONSIDER BEFORE CHANGING MY EMPLOYEE STRUCTURE IN LIGHT OF THE JOBKEEPER PAYMENT?

Our clients have been asking various questions on whether or not they should restructure their operations in light of the JobKeeper Payment. We have answered some of those questions here for you.

Can I Re-Hire Redundant Employees so they Can Receive the Payment? Yes. You can receive the

JobKeeper payment if you re-hire any eligible employees you had at 1 March 2020.

You may even receive the payment if you re-hire these employees and then immediately stand them down. **However, we recommend you exercise caution when re-hiring employees.** Before you make a decision to rehire an employee who has been made redundant, we recommend that you contact us to discuss this further and the potential implications. This is not as straightforward as it may seem. There may be implications for whether you can recover your employee's termination payments, the tax concessions which will be applied to those payments for the employee and subsequent legal challenges to your initial decision to make them redundant.

We recommend you obtain professional advice before you decide to re-hire a redundant employee.

Do I need to stand down or reduce employee hours so they can receive the payment?

No, so long as an employee is an eligible employee, they can receive the payment. You will receive the \$1,500 towards a wage bill if they are working. They do not need to be stood down or directed to work less hours to make them eligible.

When can I stand down eligible employees?

Under the JobKeeper Legislation an employer may direct an eligible employee to be 'stood down' either partially or fully if the employee **cannot be usefully employed for the employee's normal days or hours** because of:

- changes of the business attributable to the COVID-19 Pandemic; or
- Government initiatives to slow the pandemic.

This means that to stand down an employee, an employer **must be able to prove** that the employee cannot usefully work because of COVID-19.

Unlike 'standing down' under the *Fair Work Act 2009* (Cth):

- there does not need to be a complete 'stoppage' of work;
- nor do employees have to be completely stood down; and
- employers are not constrained by award, or enterprise agreements requirements.

Where employers have met this requirement, employers may direct employees to:

- not work on their usual work day;
- work for a lesser duration; or
- work for less hours.

After standing down employees, employers are still required to fulfil their obligations that come along with the JobKeeper directions, including ensuring stood down employees receive their minimum hourly rate for any work done and receive a minimum of \$1,500 per fortnight.

Should I nominate all my 'long term casual' employees to receive the payment? Casuals will be eligible

to receive the JobKeeper payment if they have been working on a regular basis for 12 months for the employer as of 1 March 2020 ('long term casuals').

Employers will have the responsibility to determine whether casuals are 'long term casuals', and where they do, they may use the \$1,500 fortnightly JobKeeper payment to contribute to the wage bill for that casual employee.

However, we recommend that you exercise caution in classifying casual employees 'long-term casuals', as such a classification has effect on not just their entitlement to the JobKeeper payment, but also, the nature of their ordinary work. Such a classification could be used as evidence that the casual employee is in fact employed in a permanent capacity and entitled to back pay of associated entitlements.

PART 4: HOW TO COMMUNICATE AND LEAD DURING A HEALTH CRISIS

BE OPEN, BE COMMUNICATING, BE VULNERABLE

Crises like the current COVID-19 pandemic sweeping Australian businesses provide fascinating opportunities to test yourself as a leader, and determine the levels of ‘grit’ and resilience in your team/workplace overall. **Leadership is a privilege** and you should treat this current calamity as a chance to test yourself and your team.

THREE KEYS TO ADOPT

So, what are the key ways to communicate with staff during a crisis?

You should **communicate** and **consult** with your affected staff (and their representative/s, if required) as regularly and as openly as you can. The method of communication should be a mix of individual staff meetings, a group staff meeting and providing material in writing. The specific ratio of how much of each depends on your organisation and preferences as a leader/communicator. Remember to:

- Be **confident**. To lead, self-confidence and high self-esteem are useful, perhaps even essential. Part of your job as a leader is to put out fires and maintain the team morale. Keep up your confidence levels up. Assure everyone that you are all going to work through this and ‘come out the other side’. As the leader, your team will take cues from you; by staying calm and confident, you will create the environment for your team to feel the same. This does not mean cocky or flippant (the risks are serious), but calm, competent, confident and positive.
Be **decisive**. When it comes to decision-making, you need to be thoughtful but also decisive.
- Communicate what has been decided and what the business is going to do. Own those decisions, even if this means acknowledging the plan created isn’t perfect or will have to be adapted as new information (from Government, WHO, DFAT etc.) come to light.
Be **visible**. Make sure you’re accessible and ‘around’, be seen to be leading, in a calm and confident manner. Don’t fall into the trap of crisis-management whereby teams meet behind closed doors for days and plan, plan, plan. Just ‘walk the floor’ and be available if employees want to ask specific questions or voice their fears etc. Create the *esprit de corps*, keep everyone working and moving ahead.

BE VULNERABLE

Nobody knows how COVID-19 is going to play out. You should not try and ‘bluff’ your team with false reassurance (“*She’ll be right*”) and giving answers you can’t be confident are accurate or believable. ‘She’ may not be ‘right’. It might be a disaster, both for your organisation and your people individually. Indeed, the opposite approach is likely to be something that resonates far better with your people.
Be **vulnerable**; admit you don’t have the answers, that you don’t know what’s going to happen, that this scares you as well. Be open, be vulnerable, be human. As Brené Brown explains in her leadership theory on this topic:

“Vulnerability is not winning or losing; it’s having the courage to show up and be seen when we have no control over the outcome. Vulnerability is not weakness; it’s our greatest measure of courage”.

CONCLUSION

This will be a significant challenge for many (if not all) Australian businesses to confront, especially coming right behind the terrible Summer bushfires. But, with some sensible planning and some determined execution, business should be able to 'weather the storm'. Give your business the best shot at success by:

- spending the time to genuinely work through whether alternatives to redundancy can be explored in the first instance (talk to your staff, they might have proposals you hadn't considered which helps to get through the immediate pain period); and
- *leading* rather than *managing*. This is a time for inspirational, courageous, compassionate and communicative leaders. Are you up to the challenge?

The Wizard says:



Contact us for specialist assistance to:

- Devise and implement an effective continuity plan for your business, addressing
 - your main financial and human resourcing concerns.
 - Provide communication to your staff of relevant changes.
 - Step you through implementing the JobKeeper payment.
 - Plan to downscale your workforce.
- Find solutions to any other workplace issues.

For all your needs relating to COVID 19 business planning, please contact one of our experienced consultants on 0458 644 469 or mark@workplacewizards.com.au.

This guide is general advice of an informational nature only. For specific, tailored advice concerning your unique workplace issues, and termination-related risks for your particular employees, you should contact us for non-generic, bespoke advice particular to your individual circumstances. Further, Workplace Wizards is not a law firm and, therefore, does not provide legal advice.

SAMPLE TEMPLATE FROM JOBKEEPER HANDBOOK
Consultation Letter Regarding Direction to Take Annual Leave

[INSERT COMPANY LETTERHEAD]

[INSERT DATE]

PRIVATE AND CONFIDENTIAL

INSERT EMPLOYEE NAME

INSERT ADDRESS

INSERT ADDRESS

By email: **INSERT EMAIL**

Dear **INSERT EMPLOYEE NAME**

Consultation Regarding Direction to Take Annual Leave

As we discussed with you earlier today via our **telephone/video conference**, **[INSERT COMPANY NAME]** (“Company”) is currently considering directing you take annual leave. We have decided this is necessary due to the **outbreak of the Coronavirus (COVID 19) which has significantly impacted and challenged the viability and operations of the Company** **[NOTE TO USER: AMEND TO SUIT]**.

As we explained during the meeting, at this stage, we propose you take annual leave between **[INSERT DATE AT LEAST 3 DAYS FROM THIS LETTER]** and **[INSERT DATE]**. We will ensure that your annual leave balance does not drop below 2 weeks. Please let us know if you have any concerns about being directed onto annual leave before **[INSERT DATE AT LEAST 3 DAYS FROM THIS LETTER]**. We will address these concerns accordingly.

As we also explained in our meeting, the reason we are doing this is to ensure the ongoing viability of the Company during the COVID-19 crisis.

We thank you for your cooperation and assistance through this challenging period. We will aim to keep you informed regarding any updates for the business.

Please don't hesitate to contact me should you have any questions or queries.

Yours sincerely

[INSERT MANAGER'S NAME]

[INSERT MANAGER'S TITLE]

[INSERT COMPANY NAME]