

IEUA-QNT FACTSHEET

Standing Down Employees



Should my school employer stand down staff?

Federal and state governments have urged employers to try and avoid doing this. The full effect of COVID-19 issues on the operation of our schools is still uncertain.

Our school sector receives a majority of its income from state and federal government funding. No school has lost one dollar of government funding - there is no excuse to stand down employees at this stage.

What process must employers follow prior to any stand down?

The employer must exhaust all possibilities for redeploying you into other roles.

Unpaid stand downs are unprecedented in our schools – employers must consider all alternative options ahead of such a drastic decision.

There is no shortage of work to be done in this unprecedented time and support staff will be vital to school maintenance and the continued education of all students.

If you have any suggestions for other work the employer could allocate, our union can help with negotiations to ensure that they genuinely consider all options.

What is the minimum legal standard for employers looking to stand-down staff?

Stand downs have occurred before in other industries such as agriculture or manufacturing ; however, they are generally unheard of in our education sector.

Under the Fair Work Act employers can seek to stand down workers as a last resort in circumstances beyond their control and the employee "cannot usefully be employed."

This was meant for short periods (like industrial disputes, supply problems and machinery breakdowns). No-one foresaw that it might be used to cut off employees' wages for weeks or even months at a time.

Can I take leave instead or access social security?

Reasonable employers will at least discuss with you any individual preference for accessing other leave accruals before moving to unpaid stand down.

Given recent changes to Jobseeker payments, including the increased payment rates and waiving of waiting periods, you might be better to retain your leave entitlements and claim benefits. Your employer should give you adequate time to seek advice and work this out before any final decision is made.

Does the Government's new 'JobKeeper' wage subsidy apply to me?

The new JobKeeper wage subsidy is unlikely to apply in most of our schools due to the employer eligibility rules – schools continue to receive significant government funding meaning they will not have had a 30-50% loss of income required to access JobKeeper.

Our union is seeking further discussions with the Minister for Education to explore other mechanisms to protect wages and job security for our members.

What happens to my accumulated entitlements if I am stood down?

All current entitlements must be protected and leave will continue to accrue as normal during any period of stand down.

We will not let employers leave support staff behind

There is one constant during these uncertain times - our union will always be here for you.

We are ready to provide expert advice, support and representation as required.

IEUA-QNT COVID-19 Resources Hub

For more information please visit our union's COVID-19 Resource Hub on our website www.qieu.asn.au/covid19