

IEU Advice for ELICOS members

Topics : [Awards](#) , [COVID-19](#) , [ELICOS](#) , [VET](#)

The current Covid-19 pandemic is an unprecedented public health emergency, causing great disruption to all areas of life.

This is especially so in the post-secondary college sector, including English, Business and VET colleges.

It is likely that some post-secondary colleges will attempt some radical measures in an attempt to keep businesses viable, but members should be aware that their legal entitlements remain largely the same as before, including that:

- Award pay rates and conditions cannot be unilaterally reduced;
- Enterprise Agreement pay rates and conditions cannot be unilaterally reduced; and
- Ongoing (permanent) employees are entitled to retain their existing status.

The Australian government has put together a suite of measures to mitigate the worst economic effects of the crisis, and most of these should apply to most employers in the post-secondary college sector.

JobKeeper allowance

The JobKeeper allowance passed through the federal parliament on 8 April, and it is basically a subsidy to employers to keep existing employees in work.

Key features include:

- The subsidy is worth \$1500 per fortnight and is required to be passed on to employees in full. It is payable from 30 March 2020.
- It is accessible to businesses which have an aggregated turnover of less than \$1 billion (for income tax purposes) and estimate their GST turnover has fallen or will likely fall by 30 per cent or more.
- Eligible employees can be a full time or part-time employee, or a casual employed on a regular and systematic basis for at least 12 months as at 1 March 2020. Employees must be an Australian citizen or Permanent Resident.
- There is a legal obligation for employers to keep people on.
- The allowance paid to employers must pass on to employees.
- Employers must register employees.

More details can be found [here](#).

JobSeeker allowance

In March, the federal government rolled the existing NewStart payment (along with several other welfare payments) into a new benefit called JobSeeker.

A short-term increase in the payment was applied for the next six months.

Key features include:

- The weekly payment is \$550, a big increase from the previous NewStart payment (this will revert back in September).



- The payment has been extended to: permanent employees who are stood down or lose their employment; sole traders; the self-employed; casual workers; and contract workers (income and asset tests still apply).
- Centrelink will streamline application processes and wait periods.
- Job seeking requirements have been relaxed.

More details can be found [here](#).

Award changes

The federal government has also facilitated temporary changes to the Fair Work Act (the Act), which allow employers to lawfully change workers' hours, days, duties and location.

There have also been changes to the Act providing for two weeks of unpaid Covid-19 leave, and the ability to access annual leave at half pay (and so it lasts for twice as long).

The changes to the Act have been negotiated with the ACTU (among other stakeholders), and while not all union concerns were met, the changes do have the following safeguards:

- strictly time-limited for six months;
- applies only to employers eligible for the JobKeeper payment;
- protects the rate of pay for workers ensuring they are properly paid for all work undertaken at the legal hourly rate of pay, not artificially capped at the \$1500/fortnight wage subsidy;
- allows variation in working conditions only after consultation and in many cases requires the agreement of employees; and
- allows any dispute to be arbitrated by the Fair Work Commission "to ensure reasonableness and fairness."

Our union will continue to lobby on your behalf for further benefits.

Members are encouraged to join the VET/ELICOS Working Group to connect with their colleagues across the sector and to provide feedback on what's happening in their workplaces.