



SUPPORT TOOLKIT FOR TEMPORARY OFFICE CLOSURE

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Context

This document is a resource to support you where you have decided to temporarily close your business. It's a starting point to help you communicate with those who need to be communicated with, think about the legal and compliance steps you need to take, and the start of a tick-list to help operationally.

Your most powerful advantage at this time is consistent communication. While it may be difficult to share your circumstances, by being upfront about this you can actually reinforce your reputation and position yourself to come back even stronger when the time comes to throw open the doors!

You should seek your own legal and financial advice as each individual's circumstances will differ however we hope this will help you map what you need to do, and when, for the best possible outcome.

Most importantly, you need to look after your own mental and physical health. AFTA wants you to know that we are here for you. These are tough times. You are not alone. If you need help because you're feeling sad, overwhelmed or just need to talk to someone, please take advantage of any of these wonderful support networks <http://www.afta.com.au/afta/covid-19-updates/crisis-support>

We have COVID-19 specific resources available here
<http://www.afta.com.au/afta/covid-19-updates>

There are also a range of resources available through the Federal Government
<https://www.business.gov.au/Closing/Selling-or-closing-your-business/How-to-close-your-business>
including this webcast <https://www.ato.gov.au/Business/Changing,-selling-or-closing-your-business/In-detail/Selling-or-closing-a-small-business-webcast/>

Who are the Audiences you need to communicate with?

- AFTA
- Employees
- Suppliers
- Customers
- Landlord
- Media
- Others?

Your obligations as an employer

When there is a down turn in business or a stoppage of work, some of the options you may be able to take are:

- Asking employees to reduce the hours they work or their wages
- Asking employees to take any annual leave or long service leave they have owing
- Asking employees to take leave without pay until the business is operating again
- Making your employees redundant (this will mean you have to pay redundancies)
- Standing down employees

Jobkeeper Enabling Direction

The Government has also made temporary changes to the Fair Work Act 2009 as a result of the new JobKeeper legislation.

Under the Fair Work Act 2009, new provisions now apply to employers who have qualified for the JobKeeper scheme and their eligible employees. Once an employer has qualified for the JobKeeper scheme, the new provisions enable:

- employers to make temporary and partial stand downs in certain circumstances
- employers to temporarily alter employees' usual duties and locations of work in certain circumstances
- employers and employees to agree on altering an employee's days and times of work and use of annual leave in certain circumstances.

See the link here: <http://www.afta.com.au/uploads/846/jobkeeper-enabling-direction-checklist.pdf>

You can learn more at Fairwork.gov.au.

Getting the facts?

- Are they casual or permanent employees?
- Which, if any, award or Enterprise Agreement applies?
- What are the terms stated in their individual contracts of employment? You may need for example to give them a particular notice period under the contract if you're making them redundant.

Casual employees

True casual employees are engaged on an ad hoc and irregular basis. They get paid by the hour and get a 25% casual loading in lieu of the entitlements they don't get (annual leave, sick leave, redundancy pay etc). If someone has been working a regular pattern of work and has an ongoing expectation of work with you, they may not actually be a casual even though their contract says so. If you are looking to terminate a casual, you need to make sure that the person is actually a genuine casual employee.

Cutting hours of work or wages

You can't just decide to cut hours or wages. To change the terms and conditions of employment, you need your employee's consent. A letter signed by the employee that they agree to change their hours or wages is sufficient.

Make sure that any reduced wage still meets the employee's minimum entitlement under the relevant Enterprise Agreement/EBA, Award or the National Minimum Wage).

Annual Leave or Long Service Leave

If your employees have annual leave or long service leave entitlements, you can ask them to use this and then go on unpaid leave.

Leave without pay

If there's no leave entitlement, you can ask your employees to take leave without pay.

Making people redundant¹

If the role is no longer to be performed by anyone, this is likely to be a redundancy. If you employ 15 or more employees (this doesn't include irregular casuals), you are obliged to meet the following redundancy schedule:

Period of Continuous Service	Redundancy Pay
At least 1 year but less than 2 years	4 weeks
At least 2 years but less than 3 years	6 weeks
At least 3 years but less than 4 years	7 weeks
At least 4 years but less than 5 years	8 weeks
At least 5 years but less than 6 years	10 weeks
At least 6 years but less than 7 years	11 weeks
At least 7 years but less than 8 years	13 weeks
At least 8 years but less than 9 years	14 weeks
At least 9 years but less than 10 years	16 weeks
10 years and more	12 weeks

If your business employs fewer than 15 employees (not including irregular casuals, you don't have to pay redundancy).

Note – if an Enterprise Agreement or Award applies, the consultation obligations contained in them, will need to be met. You need to make sure you understand what these are. Typically, it requires you to discuss the proposed change with the employee including via the issue of a letter or email and then also looking at what else might mitigate the impact of change for the employee.

¹ <https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/notice-of-termination-and-redundancy-pay>



Entitlements on termination

If you do need to terminate someone's employment, you will have to pay out an accrued but untaken annual leave as well as any long service leave. You may also need to make a payment in lieu of notice if there's no work for the employee and are therefore unable to serve out any notice period – this will depend on their contract or the Fair Work Act, whichever is higher.

Standing people down

Generally, you have the right to stand down employees where this is a stoppage of work for any cause which the employer cannot be held responsible for and where the employee cannot be usefully employed.

While the Federal Government has announced stronger provisions around this to support employers through the coronavirus restrictions, you should get legal advice on this before doing anything.

Working from home

Depending on your circumstances, you may decide that staff continue to work from home during a temporary business closure.

Your WHS responsibilities remain for staff working from home. Safework Australia has a number of resources available to assist employers and employees understanding their obligations whilst working from home. Each State also has a website you may wish to refer to.

<https://www.safeworkaustralia.gov.au/collection/covid-19-resource-kit>

<https://www.safeworkaustralia.gov.au/doc/working-home-workstation-setup-guide-covid-19>

Letter to your permanent employees

Your details
Address
Date

Their name
Address

Private and Confidential – Temporary Shut Down of our business

Unfortunately, due to the impact of the coronavirus, we have taken the difficult decision to temporarily close the business until it is safe to re-commence trading. We believe this is the best way to manage the risk to all of us and our customers as well as managing the operational impact.

We are unsure at this stage how long this will be but we will keep you informed. We have every intention of being back up and running sooner rather than later.

Your employment

This clearly impacts you and please know that if there were any alternate, we would have taken it.

The Federal Government has announced a number of support mechanisms for individuals who are in your situation. More information is available [LINK](#).

The business has taken the decision to:

- a) Retain employees on the Jobkeeper payment;
- b) Reduce hours to xx

You also have the option to decide if you would like to:

- a) Take any accrued annual leave
- b) Take any accrued long service leave (delete if not relevant)
- c) Take unpaid leave or
- d) A combination of the above

Please return a copy of this letter with your choice or let me know.

We have something wonderful here in our business and you are an important part of all we do. Please know that we will be doing everything we can to recommence trading as soon as possible.

Yours sincerely

Employee Acknowledgement Form

NAME

I, (EMPLOYEE NAME) acknowledge the content of this letter. I choose the following while the business is closed due to the coronavirus:

I would like to:

- a) Take any accrued annual leave
- b) Take any accrued long service leave (delete if not relevant)
- c) Take unpaid leave or
- d) A combination of the above

Signed

Date

Letter to your Landlord re temporary closure

Your details

Address

Date

Landlord's name

Address

via email

Temporary Shut Down of our business

Dear NAME,

Unfortunately, due to the impact of the coronavirus, we have taken the difficult decision to temporarily close the business from DATE until it is safe to re-commence trading. We believe this is the best way to manage the risk to all of us and our customers as well as managing the operational impact. The Federal and State/Territory Government's restrictions mean we are no longer in a position to operate while the growing lock-down measures and travel shutdown have had major impact on our business.

This was not a decision taken lightly. We look forward to recommencing trade as soon as it is safe to do so.

Given the unprecedented challenges we are all facing, we would appreciate any relief you can provide with respect to our rent.

Can you also please update our details on any relevant platforms to reflect the fact that we are temporarily closed.

Yours sincerely

NAME

Temporary Shut Down notice (working remotely) Automated email response/website/voice message

We have temporarily closed this office.

At **AGENCY NAME**, the health, safety and wellbeing of our **Clients/Customers** and our Team are our number one priority.

Due to the current circumstances and in line with medical advice and Government restrictions, we have made the decision to close our physical office.

We are still available online via our normal emails and contact details and look forward to supporting you remotely.

Our trading hours are:

Details

Temporary Shut Down notice (complete shut down and not working remotely) – Auto email response/website/voicemail message

Due to the current circumstances in relation to Government restrictions, we have made the decision to temporarily close our business. At this stage we will reassess the situation in 4 weeks.

For enquiries relating to your booking, please email [DETAILS](#).

These are extremely difficult times for everyone and we look forward to re-opening our doors soon. Thank you in advance for your understanding and support.

Our trading hours are:

[details](#)

For your team working remotely

We will get through this together

Dear Team,

There's no question that this is one of the most difficult challenges we have faced as a team, as a business and as a sector. It means we need to do things differently, at least for the time being to make sure we all remain safe and healthy.

We need to stay connected as a team as we navigate our way forward.

Outline channel/s and lock in frequency of updates

- *What's up*
- *Zoom*
- *Skype*
- *Closed Facebook Group*
- *Other*

Please take the social distancing measures and medical advice seriously. Keep washing your hands as often as you can. These are difficult times. If you need help, make sure you reach out to any of these wonderful support networks <http://www.afta.com.au/afta/covid-19-updates/crisis-support>. We need to keep connected as we find our way forward together.

We will get through this and we will throw open our doors bigger, better and stronger for the experience.

Media Statement if contacted by media

Delete what doesn't apply.

I can confirm that we have temporarily closed our office for at least the next 4 weeks from **DATE**. We will be working remotely during this time on skeleton staff.

This decision has been in the interests of the health and safety of our people and our customers. **(If not working remotely)** All bookings have been transferred to **NAME**.

We are very grateful for the many expressions of support we have received so far.

Temporary shutdown checklist

- Advise AFTA of your plans via EMAIL to compliance@afta.com.au
- Advise your team members of the temporary shutdown.
- If they are working make sure they have what they need – lap top, internet access, ergonomic chair, mobile arrangements with you.
- Make sure all the files you need can be accessed remotely.
- Check with your insurer provider regarding coverage for office equipment outside of the office and staff coverage for workers compensation.
- Email customers advising of temporary shut down and arrangements made to support them (transfer of bookings to another agency, working remotely etc).
- Email suppliers advising of temporary shut down and arrangements.
- Review the channels you have in place for customers to contact you and consider how you will resource them especially if you have decided not to work remotely. For example, are all email channels being responded to, phone, voice mail, mail, social media etc.
- Set up a group chat (what's app is great or explore Zoom or similar) so that you can stay connected with your team.
- Make sure the office is clean and tidy – this is a hibernation not abandonment. Ensure the fridge has been cleaned out and power outlets turned off at the wall to conserve energy.
- Complete all banking and ensure documents are secured.
- Update operating hours and language on your website, Google, Facebook and other social media.
- Divert the phones. Update the message to make it clear the office is no longer physically attended for the short-term and how and when the business will respond.