

COVID-19 | Work Rights

If your employer receives the wage subsidy there are some things that they must do!

The wage subsidy is paid to your employer to help them to keep paying your wages during the disruption caused by COVID-19 and the lockdown.

Your employer should apply for the subsidy and must apply for each employee. They will receive a lump sum of 12 (the number of weeks the subsidy runs) x the number of employees applied for x \$585.80 for people who work over 20 hours a week and \$350.00 for people who work 20 hours or less. They must use this money to help pay your wages.

There are a [number of requirements](#) your employer must meet to qualify for the wage subsidy. Among them:

1. Your employer must make “best endeavours” to pay you at least 80% of your regular weekly pay – with the subsidy to help them cover some or all that cost. “Best endeavours” is a legal term and your employer needs to have evidence that they have done it.
2. Your employer has discussed the application with you, and you have given consent for your information to be shared with the government.
3. Your employer is required to keep you employed throughout the 12 weeks covered by the subsidy.
4. Your employer cannot require you to use your annual, sick or other leave. And they cannot change your employment agreement without your written agreement.
5. Your employer’s business has experienced a minimum 30% decline in actual or predicted revenue because of COVID-19.

If your employer does not meet these requirements, they are not entitled to get the wage subsidy.

And none of this overrides your employment agreement. Paying you 80% or less of your wages is a breach of your agreement unless there is a genuine reason why they can’t pay 100%.

If your employer wants to make changes to your agreement there must be a proper negotiation in good faith. They can’t make you a “take it or leave it” offer.

ALSO NOTE: If you normally earn less than \$350 (20 hrs or less) or \$585.50 (20 hrs +) and your employer gets the wage subsidy, you should be paid 100% of your normal wages not 80%.

You can check if your employer has applied for the wage subsidy [here](#).

If your employer won’t tell you, you can check if you were named as one of the employees that your employer applied for [here](#).

And if you think your employer has not met their requirements under the wage subsidy scheme you can make a complaint with the Labour Inspectorate [here](#).