

Fair Work Amendment (Right to Work from Home) Bill 2025

Finance Sector Union of Australia Submission

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Finance Sector Union

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Background

The Finance Sector Union (FSU) is a registered industrial organisation under the Fair Work (Registered Organisations) Act 2009. The FSU represents members in the banking, finance and insurance industries (finance sector) in Australia. The finance sector consists of approximately 548,400 workers (approximately 3.7% of the workforce) with women making up approximately 52% of the total number of workers within the sector.¹

Finance workers include bankers, insurance workers, credit and loans officers, claims managers and assessors, financial planners and analysts, investment managers. FSU members are also technology workers, administrators, call centre operators and work in a large variety of jobs such as marketing, fraud investigations and cyber security in all of Australia's largest finance companies.

This submission will be divided into three sections – the first will detail the experiences of finance workers who have had, and continue to have, the option to work from home. We will share some stories of FSU members whose working lives have been transformed by the increased flexibility that working from home affords them and their families. The second section will detail the current state of play in the finance industry and outline the approach that has been taken with respect to working from home arrangements. The final section will outline the current legal frameworks available to workers, their limitations and the benefits that this legislation will bring to Australian finance workers. This submission reflects a previous submission made by the FSU to the Victorian Government when it proposed its work from home legislation in September 2025.

Finance workers' experiences of working from home

Most finance workers were required to work from home for up to 262 calendar days across 2020 and 2021 due to the COVID-19 pandemic. In early 2022, many employers began directing their workforce to return to the office. For some finance workers, a return to working in the office was welcome for a variety of reasons, while for many others the benefits they derived from working from home would be entirely lost if they were required to work from the office 100 per cent of their working hours.

The lockdowns were a difficult time for everybody, particularly finance workers located in Melbourne.

However, a silver lining from these lockdowns was the overnight change in attitudes by employers and workers about the ability for workers to productively work from home. In 2021, the Productivity Commission (PC) released a research paper "Working from home".² The paper described the lockdowns as "a forced experiment" and showed that:

"Many people could do their jobs at home just as well as in the office. Workers really valued the time and money saved through not commuting, as well as the extra flexibility in their lives. And

¹ [Financial and Insurance Services | Jobs and Skills Australia](#) [accessed 13 Jan 2026]

² <https://www.pc.gov.au/research/completed/working-from-home> [accessed 13 Jan 2026]

some firms can see potential productivity improvements and/or cost savings in a world of more work from home”.³

The productivity commission report also found that for some, working from home can improve physical and mental health by giving people more time and control over their day – to sleep, exercise and cook nutritious food.⁴

In 2022, the FSU produced a report “Working from home – It’s done wonders”⁵ highlighting the experiences of finance workers who work from home. FSU members’ experiences reflected those of the productivity commission report. They were happier, had more time with their kids, spent less time travelling and were able to better balance their family responsibilities. They also highlighted the cost and time savings made due to not having to commute.

In early 2025, the FSU polled almost 2000 finance workers in the lead up to the federal election. Of those surveyed, 92 per cent said they were worried about losing their ability to work from home. Finance workers surveyed said that on average they were commuting two hours daily to the office and that their weekly budgets would increase by an average \$195 if they did not have the option to work from home.

The finance industry is well suited to working from home. With the exception of frontline workers who are located in the retail banking section of the industry, the majority of finance workers are office-based workers such as managers, professionals, clerical and administrative workers. These are the types of workers the Productivity Commission has defined as best suited to work from home.

Some FSU members were, in fact, hired during lockdowns in exclusively work from home roles. Some of these workers secured roles that catered to their specific circumstances. For example, those who live in regional Australia outside of what they would consider reasonable commuting distance; those with caring responsibilities or those with a disability (for example, members with physical disabilities where workplaces are inaccessible or those who are neurodiverse and who may struggle to work or commute in busy/loud environments).

The current state of play

Finance sector employers have been gradually increasing the requirements for workers to work from the office, with some employers introducing an office “mandate”, penalising workers who do not meet minimum “office days”. These penalties range from disciplinary action that may result in termination of employment to loss of access to pay increases and being put on “performance management” plans.

The office mandates are not uniform across the industry, nor are the penalties for non-compliance. There are some workers who were initially engaged in their role and were working from home full time who are unable to work from the office. This includes workers facing untenable commutes, increased

³ [working-from-home.pdf](#) [pg. 3 accessed 13 Jan 2026]

⁴ Ibid pg. 80

⁵ [WFH Its done wonders.pdf](#) [accessed 13 Jan 2026]

costs and an inability to make the office mandates work alongside their caring responsibilities, those with disabilities and those who have simply enjoyed the benefits of working from home.

FSU members have reported being asked to provide medical certificates to support their work from home requirements. In some sections of the finance industry, workers in leadership roles are required to attend the office five days per week and promotion to leadership roles is conditional on meeting this requirement. The FSU has been unable to ascertain any legitimate business reason why leadership roles would require a more onerous office mandate than that of the workers reporting to them. In our view, this differentiation is a type of indirect discrimination as it disproportionately impacts workers with caring responsibilities who are more likely to be women, and it also disproportionately impacts workers who have a disability.

While there are legal frameworks (see below) for some finance workers to make a request for flexible working arrangements, unless workers fit into a finite list of categories, they do not have a blanket right to request work from home arrangements.

Legal frameworks available to workers

There are two legal frameworks available to workers which enable them to access working from home arrangements. The first is having an enterprise agreement (EA) that provides for working from home conditions and the second is the *Fair Work Act 2009*. Both avenues are limited in their scope and application. The proposed amendment to the Fair Work Act would be a welcome addition as it would ensure that the right to work from home is universal and does not contain eligibility limits.

Finance workers who are covered by an EA may have a right to request work from home arrangements contained in their enterprise agreements (see for example: First Super Coordinators Enterprise Bargaining Agreement 2023⁶). The EA will outline an agreed framework and process for entering, terminating and raising disputes around flexible work arrangements. EA clauses that cover work from home are the most effective mechanism to guide these working arrangements as they are genuinely agreed between an employer and their workforce and may be enforced by an independent umpire (subject to the contents of the dispute resolution clause contained in the EA). Unfortunately, despite the demonstrated effectiveness of work from home in the finance industry, most finance employers have been reluctant to include such clauses in their enterprise agreements. This is the case even when they lack the office space to house their employees in an office environment and rely on a proportion of their workforce to work from home to keep the business operating at full capacity.

The second legal framework is available to workers who are covered by the *Fair Work Act 2009* (FWA). The FWA contains the right to request flexible working arrangements (that may, nor may not include work from home) to a range of workers including parents and carers (as defined by the *Carer Recognition Act 2010*) - a person with a disability, someone aged 55 or older, is pregnant and is either

⁶ <https://www.fwc.gov.au/document-search/view/3/aHR0cHM6Ly9zYXNyY2RhdGFwcmRhdWVhYS5ibG9iLmNvcmlud2luZG93cy5uZXQvZW50ZXJwcmVlbWVudHMvMjAyNC82L2FINTI1MDk1LnBkZg2?sid=&q=First%24%24Super> [pp 9-10 Accessed 14 January 2025]

experiencing family and domestic violence or providing care or support to an immediate family member who is experiencing family and domestic violence.

These frameworks do not provide a right to request flexible working arrangements or work from home for any other reason. FSU members who want to work from home, but who currently have no legal right to apply, have told us that they want to work from home for reasons that may include education, sport, cost savings or simply to save on commuting time.

The FSU supports the proposed legislation as it will provide universal access for workers to apply to work from home.

Conclusion

Finance workers demonstrated during the lockdowns of 2020-21 that most of their work could be done effectively and productively working from home. The finance industry remained productive and met the definition of the 2021 productivity commission report of the type of work that is best suited to working from home.

The additional time, money and flexibility afforded to finance workers was a silver lining that came out of a particularly difficult time for Australian workers. Since 2022, finance industry employers have started introducing “office mandates” requiring sections of the workforce to give up their work from home arrangements and return to the office. This includes workers who were employed on 100 per cent work from home arrangements who otherwise would not have been able to work in the industry due to their location, caring responsibilities or disability. Some of these workers have access to a limited right to request work from home arrangements but this is not universally available to all workers.

The proposed working from home legislation will broaden the availability of the right to work from home to all finance workers (except for those who work in face-to-face retail banking). **The FSU supports this legislation.**