

FAIR WORK AMENDMENT (RIGHT TO WORK FROM HOME) BILL 2025

Per Capita
January 2026

Per Capita is an independent think tank, dedicated to fighting inequality in Australia. We work to build a new vision for Australia, based on fairness, shared prosperity, and social justice.

We welcome the opportunity to make a submission to the Fair Work Amendment (Right to Work from Home) Bill 2025.

Per Capita welcomes the Bill's recognition that many roles can be performed effectively from home. Enabling employees to access flexible working arrangements improves retention, reduces absenteeism and enables greater workforce participation, particularly for workers with caring responsibilities, older workers, people with disability and those living in regional areas. For these reasons, Per Capita supports the intent of the Bill to enshrine a minimum right to work from home for two days per week.

It is acknowledged, however, that there are roles and circumstances in which work cannot reasonably be performed satisfactorily from home. In such cases, it is important that there are clear and appropriate grounds for refusal. Per Capita considers that the proposed amendment to paragraph 65A(3)(d), and substitute with:

- (d) the refusal is on whichever of the following grounds is applicable:
 - (i) if the request is a work from home up to 2 days request—on the ground that the requested change in working arrangements would make the performance of the inherent requirements of the employee's employment duties impractical or impossible;
 - (ii) otherwise—on reasonable business grounds

provides sufficient scope for employers to do so.

A further consideration is whether employees and employers can negotiate which two days are worked from home. Allowing such negotiation would support flexibility for both parties and enable mutually beneficial arrangements to be reached.

In conclusion, Per Capita supports the Bill as an important step towards embedding flexible work in the modern workplace. We believe balancing a minimum right to work from home with appropriate safeguards for employers is appropriate. The proposed amendments have the potential to improve workforce participation, productivity and job quality across the economy.