

LEGISLATIVE COUNCIL

EQUAL OPPORTUNITY AMENDMENT (WORK FROM HOME) BILL 2026

(Amendments and New Clause to be proposed in Committee by JEFF BOURMAN)

1. Clause 6, line 20, after "an employee" insert "whose principal place of employment is in Victoria,".
2. Clause 6, line 22, omit "on probation" and insert "who has not competed 12 months of continuous service with their employer".
3. Clause 6, after line 27 insert—
 - "(ba) an employee who is under performance management; or".
4. Clause 6, page 3, after line 26 insert—
 - "(fa) an employee who has other rights, entitlements or work arrangements equivalent to, or more advantageous than, the right to work from home; or".
5. Clause 6, page 3, lines 28 and 29, omit all words and expressions on those lines and insert "a regular casual employee; or".
6. Clause 6, page 4, lines 4 to 6, omit all words and expressions on these lines and insert—
 - "means—
 - (a) the employee's principal place of residence; or
 - (b) another place that is agreed between the employee and their employer;".
7. Clause 6, page 4, after line 6 insert—
 - "**regular casual employee** means a person who—
 - (a) is a regular casual employee as defined by section 12 of the Fair Work Act; and
 - (b) has had at least 12 months' service with their employer; and
 - (c) has a reasonable expectation of work continuing on a regular and systematic basis;".
8. Clause 6, page 4, after line 8 insert—
 - "**small business employer**—see section 202(2);".
9. Clause 6, page 4, lines 12 to 15, omit "The right of an eligible employee under section 102J is in addition to, and does not affect, any other right or entitlement of the employee" and insert "An eligible employee does not have a right to work from

home if the employee already has other rights, entitlements or work arrangements equivalent to, or more advantageous than, that right, including another right or entitlement".

10. Clause 6, page 4, after line 29 insert—

"102IA Small Business Working from Home Code

- (1) The Minister must develop a Small Business Working from Home Code to assist small business employers to comply with their obligations under this Part.
- (2) The Code must include a checklist of the steps small business employers may take to comply with their obligations under this Part.
- (3) In determining whether a small business employer has complied with their obligations under this Part, compliance or non-compliance by the employer with the Code may be taken into account.
- (4) The Minister must publish the Code on an appropriate Internet site."

11. Clause 6, page 5, after line 30 insert—

"(2A) The days and specific times an eligible employee may specify in a work from home notice are limited to within the days and specific times that the employee is required to work under their existing employment agreements or arrangements."

12. Clause 6, page 6, lines 8 to 26, omit all words and expressions on these lines and insert—

- "(1) An employer who receives a work from home notice must allow the eligible employee to work from home for a period equivalent to the period set out in the notice unless it is not reasonable for the employee to work from home for that period.
- (2) If it is not reasonable for an eligible employee to work from home as described in subsection (1), the employer must allow the employee to work from home for any lesser period of the week that is reasonable.
- (3) The days on which or specific times at which the employee may work from home under subsection (1) or (2) are at the complete discretion of the employer, having regard to the operational requirements of the employer's business."

13. Clause 6, page 6, line 29, omit "(1), (2) or (3)" and insert "(1) or (2)".

14. Clause 6, page 6, line 30, omit "are the only matters to" and insert "matters, among others, may".

15. Clause 6 page 7, line 22, omit "a significant" and insert "an impracticable and".

16. Clause 6 page 7, line 26, omit "a significant" and insert "an impracticable and".

17. Clause 6 page 7, line 31, omit "a significant" and insert "an impracticable and".

18. Clause 6 page 8, line 1, omit "a significant" and insert "an impracticable and".

19. Clause 6, page 8, line 13, after "impractical;" insert "or".
20. Clause 6, page 8, after line 13 insert—
 - "(x) would be likely to cause a significant decrease in productivity or efficiency for the employee; or
 - (xi) would detrimentally impact the employer's ability to satisfy any legal or regulatory obligations they may be required to meet;"
21. Clause 6, page 8, after line 19, insert—
 - "(6) Without limiting subsection (5), an employer may refuse to allow an eligible employee to work from home if working from home would interfere with the employer's ability to comply with the employer's legal requirements relating to occupational health and safety."
22. Clause 6, page 8, line 24, omit "21" and insert "28".
23. Clause 6, page 8, line 28, omit "as" and insert "for a period equivalent to the period".
24. Clause 6, page 8, line 31, omit "as set out in the notice" and insert "for that period".
25. Clause 6, page 9, lines 3 and 4, omit "or (3) (whichever applies)".
26. Clause 6, page 9, after line 8 insert—
 - "(aa) for a statement under subsection (2)(a), the days on which and any specific times at which the employer will allow the employee to work from home; or"
27. Clause 6, page 9, line 14, omit "as" and insert "for a period equivalent to the period".
28. Clause 6, page 9, after line 23 insert—
 - "(4) An employer who is given a work from home notice—
 - (a) may request the eligible employee to provide—
 - (i) information about how the employee intends to undertake the work from home, including the proposed location and set-up of the work from home and evidence that the location and set-up meet occupational health and safety requirements; and
 - (ii) any other information the employer requires to consider whether it is reasonable for the employee to work from home; and
 - (b) is not required to respond to the notice until the information is provided."
29. Clause 6, page 9, before line 24 insert—
 - "(5) At any time while an eligible employee is working from home under this Part, their employer may request the employee to provide—
 - (a) information about how the employee is undertaking the work from home, including the location and set-up of the work from home and

evidence that the location and set-up meet occupational health and safety requirements; and

(b) any other information the employer requires to consider whether it is reasonable for the employee to continue to work from home.

(6) An employer may direct an eligible employee who is working from home to change the employee's home set-up if the set-up presents a risk to—

(a) the employee; or

(b) the employer or the employer's obligations, including information security, privacy, confidentiality and related matters."

30. Clause 6, page 9, lines 28 to 30, omit "pay any reasonable costs necessary to enable the employee to do so" and insert "reimburse the employee for any reasonable costs necessarily incurred by the employee to enable the employee to work from home".

31. Clause 6, page 10, line 4, omit 'systems.'" and insert "systems."

32. Clause 6, page 10, after line 4 insert—

"(3) For the purposes of subsection (1), reasonable costs do not include—

(a) upgrades to fixtures, chattels or structures of the employee's home; or

(b) the cost of items that are not exclusively used to perform work from home; or

(c) without limiting paragraph (b), the costs of items tied exclusively to the home, such as electricity, heating, insurance, telephony and internet services; or

(d) without limiting paragraph (b) or (c), costs that the employee would incur regardless of working from home.

(4) The employer is only required to reimburse an employee for costs under subsection (1) if—

(a) the employer has approved the incurring of the costs before they are incurred; and

(b) the employee provides the employer with reasonable evidence of the costs incurred.

(5) Nothing in this section precludes an employer from providing any additional equipment, benefits or assistance to employees at the discretion of the employer."

33. Clause 6, page 10, before line 5 insert—

'102O Review, suspension or termination of right to work from home

(1) An employer may review, suspend or terminate the exercise of an eligible employee's right to work from home in any of the following circumstances—

(a) it is no longer reasonable for the employee to exercise that right;

- (b) a performance issue arises in relation to the employee's work from home;
 - (c) the employee ceases to be an eligible employee.
- (2) In determining whether it is no longer reasonable for an employee to exercise the right to work from home, any of the matters set out in section 102L(4) may be taken into account, in addition to any other relevant matters."

NEW CLAUSE

34. Insert the following New Clause to follow Clause 10—

'10A Discretion to decline to provide or continue dispute resolution

After section 116(d) of the Principal Act **insert—**

"(da) the dispute—

- (i) is frivolous, vexatious, misconceived or lacking in substance;
or

- (ii) is otherwise an abuse of process;"

35. Clause 15, line 32, omit "July 2030" and insert "September 2028".
36. Clause 15, line 33, omit "within 12 months" and insert "on or before 1 September 2029".
37. Clause 15, page 12, line 4, omit 'completion.'" and insert "completion."
38. Clause 15, page 12, after line 4 insert—
- '(4) The Minister must also cause a statement to be prepared and published on an appropriate Internet site on or before 1 July 2027 of the likely impact of the amendments made to this Act by the **Equal Opportunity Amendment (Work from Home) Act 2026** on small business employers.
- (5) In this section—
- small business employer*—see section 202(2)."
39. Clause 16, line 21, omit "15 employees" and insert "200 employees whose principal place of employment is in Victoria".
40. Clause 16, page 13, lines 2 to 4, omit "has the meaning given by section 50AAA of the Corporations Act" and insert "means an associated entity (within the meaning of section 50AAA of the Corporations Act) that is a natural person or a body corporate".