

LEGISLATIVE COUNCIL

EQUAL OPPORTUNITY AMENDMENT (WORK FROM HOME) BILL 2026

(Amendments and New Clause to be proposed in Committee by JACLYN SYMES)

1. Clause 1, lines 2 to 5, omit all words and expressions on these lines and insert—

"1 Purposes

The purposes of this Act are—

- (a) to amend the **Equal Opportunity Act 2010** to enact a right to work from home; and
- (b) to make a consequential amendment to the **Victorian Civil and Administrative Tribunal Act 1998**".

2. Clause 2, lines 7 to 8, omit "September 2026" and insert "July 2027".
3. Clause 5, line 11, before "In" insert "(1)".
4. Clause 5, after line 13 insert—
 - '(2) In section 4(1) of the Principal Act, in the definition of *home*, after "in relation to a person" **insert** "and other than in Part 6B".'
5. Clause 6, line 20, after "an employee" insert "whose principal place of residence is in Victoria,".
6. Clause 6, page 3, after line 12 insert—
 - "(f) an employee who—
 - (i) is in a road transport contractual chain within the meaning of the Fair Work Act; and
 - (ii) is not a regulated worker within the meaning of that Act; or
 - (g) an employee of another State or a Territory or of the Commonwealth; or".
7. Clause 6, page 3, line 13, omit "(f)" and insert "(h)".
8. Clause 6, page 3, line 27, omit "(g)" and insert "(i)".
9. Clause 6, page 3, line 30, omit "(h)" and insert "(j)".
10. Clause 6, page 3, line 33, omit "(f)" and insert "(h)".
11. Clause 6, page 4, lines 3 to 6, omit all words and expressions on these lines and insert—

"home, in relation to an eligible employee, means—

- (a) the employee's principal place of residence; or

(b) a place determined by agreement between the employee and their employer;"

12. Clause 6, page 4, lines 13 to 14, omit "is in addition to, and does not affect," and insert "does not affect".
13. Clause 6, page 4, line 29, omit "home" and insert "their private residence".
14. Clause 6, page 5, lines 13 to 14, omit "a period determined on a pro rata basis" and insert "40% of their working hours per week".
15. Clause 6, page 5, lines 15 to 17, omit all words and expressions on these lines and insert—

"(3) The right of an eligible employee under this section does not apply cumulatively with—

(a) any other right or entitlement of the employee to work from home;
or

(b) any separate permission given to the employee to work from home.

Example

An eligible employee works 38 hours per week and works from home on Thursday and Friday each week in accordance with their employer's flexible workplace policy. The right of the employee under this section does not give the employee the right to work from home on further days. This issue does not arise if the employee is not an eligible employee in the first place (for example, an employee referred to in paragraph (h) of the definition of *eligible employee* who is entitled to make a request for flexible working arrangements under section 65 of the Fair Work Act).

(4) To avoid doubt, a person who ceases to be an eligible employee no longer has the right set out in this section."

16. Clause 6, page 5, line 23, omit "subsection (3)" and insert "subsections (3) and (4)".
17. Clause 6, page 5, line 29, omit "private residence" and insert "principal place of residence".
18. Clause 6, page 5, after line 30 insert—

"(3) The days and any specific times set out in a work from home notice must be days on which or times at which the employee is required to work under their existing employment arrangements."

19. Clause 6, page 6, line 1, omit "(3)" and insert "(4)".
20. Clause 6, page 6, line 18, after "week" insert "that is covered by their existing employment arrangements".
21. Clause 6, page 6, after line 20 insert—

Example

An eligible employee works 38 hours from Monday to Friday each week. The employee's work from home notice sets out the employee's intention to work from home on Monday and Tuesday each week. These days of the week constitute the peak trading period for the employee's employer and require in person interactions between employees and customers.

Based only on those inherent requirements of the employee's role and those operational needs of the employer, it is not reasonable for the employee to work from home on Monday and Tuesday each week, but it is reasonable for the employee to work from home on 2 other weekdays each week."

22. Clause 6, page 6, line 25, after "that" insert "is covered by the employee's existing employment arrangements and".
23. Clause 6, page 7, line 13, before "employer" insert "operational needs of the".
24. Clause 6, page 7, line 17, omit "significant" and insert "material".
25. Clause 6, page 7, lines 18 to 19, omit "for the employer".
26. Clause 6, page 7, line 20, omit "an" and insert "a material".
27. Clause 6, page 7, line 22, omit "significant" and insert "material".
28. Clause 6, page 7, lines 24 to 25, omit "of the employer's employees".
29. Clause 6, page 7, line 26, omit "significant" and insert "material".
30. Clause 6, page 7, line 31, omit "significant" and insert "material".
31. Clause 6, page 8, line 1, omit "significant" and insert "material".
32. Clause 6, page 8, line 24, omit "21" and insert "28".
33. Clause 6, page 9, before line 24 insert—

"102MA Employer must give notice if circumstances change

- (1) An employer who allows an employee to work from home as described in section 102L(1), (2) or (3) must give written notice to the employee as soon as practicable after the employer forms a view that—
 - (a) the employee is no longer an eligible employee; or
 - (b) based on the inherent requirements of the employee's role and the operational needs of the employer, it is no longer reasonable, whether temporarily or on an ongoing basis, for the employee to work from home as described in that subsection.

Example

A sales officer who is an eligible employee is working from home on Wednesday and Thursday each week as set out in their work from home notice. The sales officer's role includes attending a week-long trade show every year to present the employer's products. The employer may form the view that it is no longer reasonable for the employee to work from home as set out in the work from home notice for the week of that trade show.

- (2) A notice under subsection (1)(b) must state—
 - (a) that the employer will allow the employee to work from home, whether temporarily or on an ongoing basis, as described in another one of section 102L(1), (2) or (3) (whichever applies); or

- (b) that the employer will no longer allow the employee to work from home, whether temporarily or on an ongoing basis.
- (3) A notice under subsection (1)(b) must also include—
 - (a) for a statement under subsection (2)(a)—
 - (i) the reasons why the employer considers that, whether temporarily or on an ongoing basis, it is no longer reasonable for the employee to work from home as previously allowed; and
 - (ii) the days on which and any specific times at which the employer will instead allow the employee to work from home, whether temporarily or on an ongoing basis; or
 - (b) for a statement under subsection (2)(b)—the reasons why the employer considers that it is no longer reasonable for the employee to work from home, whether temporarily or on an ongoing basis."
- 34. Clause 6, page 9, line 24, omit "**reasonable**" and insert "**certain**".
- 35. Clause 6, page 9, lines 26 to 33 and page 10, lines 1 to 4, omit all words and expressions on these lines and insert—
 - '(1) An employer who is required under section 102L to allow an eligible employee to work from home must pay any reasonable costs for essential equipment (such as hardware and software) to enable the employee to work from home and that an employer would ordinarily provide to the employee to perform the inherent requirements of their role.
 - (2) The employer is not required to pay any costs for basic utilities or internet services to enable the eligible employee to work from home.".'
- 36. Clause 7, line 6, after "section 104(1)(g)" insert "and (h)(i)".
- 37. Clause 13, page 11, line 8, omit "home" and insert "the employee's principal place of residence, or a place determined by agreement between the employee and the employer,".
- 38. Clause 15, line 32, omit "July 2030" and insert "January 2029".
- 39. Clause 16, line 18, omit "July 2027" and insert "January 2028".

NEW CLAUSE

- 40. Insert the following New Part after Part 2—

'Part 2A—Consequential amendment of Victorian Civil and Administrative Tribunal Act 1998

16A Schedule 1 amended

In clause 18 of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998**, after "Part 4, 6, 6A" insert "**6B (other than section 102K)**".'

41. Clause 17, line 3, omit "September 2027" and insert "July 2028".

AMENDMENT OF LONG TITLE

42. Long title, after "home" insert ", to make a consequential amendment to the **Victorian Civil and Administrative Tribunal Act 1998**".