



The Department of Premier and Cabinet (DPC)
1 Treasury Pl,
East Melbourne
VIC 3002

Date: 28 September 2025

By email: contact@dpc.vic.gov.au

Dear WFH Policy Team at DPC,

Subject: Working from home legislation

I am reaching out on behalf of the [Business Council for Sustainable Development Australia \(BCSDA\)](#), in our role as a pivotal advocate for sustainable development within the business sector and as a global network partner of the [World Business Council for Sustainable Development \(WBCSD\)](#).

Our collective mission is to champion sustainable business practices that are not only globally recognized but also carefully adapted to meet the unique demands of the Australian landscape.

Outlined in the following pages is our feedback to the Consultation you have requested on the **Subject**. We thank you for the opportunity to make these submissions.

We confirm our submission can be made public.

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Yours faithfully,

A handwritten signature in blue ink, appearing to read "Andrew Petersen", followed by a horizontal line.

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Executive Summary

BCSDA supports a fair and flexible approach to remote and hybrid work. Evidence from the ABS and OECD shows clear benefits for participation, wellbeing, and resilience—particularly for desk-based roles—without reducing organisational performance. At the same time, sectoral and role-specific differences must be recognised to ensure flexibility is applied where viable.

We recommend a **universal right-to-request flexible work**, rather than a blanket rule mandating minimum days at home. This should apply across all sectors, with eligibility determined at the role or task level. Consistent with international models (e.g., the UK and Ireland), employers should retain discretion to refuse requests on objective grounds—such as safety, service quality, training needs, confidentiality, or reliance on specialised equipment—while providing written reasons and access to a conciliation pathway.

To maintain safety and trust, **the framework should establish minimum standards for work health and safety and privacy/cybersecurity**. This should include basic risk assessment (ergonomics and psychosocial health), clear incident reporting, proportionate and transparent monitoring protocols, and sensible device and data security controls. In line with Safe Work Australia guidance, regular remote work should also clarify responsibility for essential equipment and set-up, ensuring that costs and risks are allocated fairly.

Implementation should be simple, low-cost, and user centred. Standard forms, clear decision timelines, the option of time-limited trials, and a straightforward conciliation pathway will ensure accessibility and fairness. Short, practical guidance should be published for managers and small businesses, with scope for sector- or award-level tailoring where needed—without excluding entire industries. Implementation tools should be regularly updated considering feedback and evaluation. Finally, the framework should be evidence-led and adaptable. Uptake, refusal reasons, disputes, WHS outcomes, and inclusion impacts should be systematically tracked and reported publicly. In line with OECD evaluation standards, the framework should be reviewed after 3–4 years, with findings used to adjust and refine policy settings.

Bottom line: a universal, role-tested right-to-request framework—with clear refusal grounds, baseline safety and privacy standards, simple processes, and ongoing evaluation—will deliver flexibility for workers and certainty for employers. This balanced, evidence-led model will position Victoria at the forefront of fit-for-purpose, sustainable workplace regulation.

Responses to Consultation Questions

Are you completing this survey as an

Employer and/or business owner

About your business

Industry

Other – Non-profit International Development Agency

Size of business

- 0-5 employees
- 6-19 employees
- 20-199 employees
- Over 200 employees

Description of business

BCSD Australia is the national peak body for businesses leading the transition to a sustainable future. As the Australian partner of the World Business Council for Sustainable Development (WBCSD), we represent forward-thinking companies across all sectors, together employing more than 150,000 people nationwide.

Our mission is to accelerate Australia's shift to sustainability by making sustainable business more successful. Our members believe that integrating social and environmental impacts with financial performance reduces risk, drives better decisions, and creates solutions aligned with the UN Sustainable Development Goals.

Business postcode

2000

Are you based in another state and operate in Victoria?

Yes – Sydney NSW

Work from home status

Do you currently support some or all of your employees to work from home?

Yes, some of our employees work from home in Victoria

Work from home attitudes

How has the large-scale shift to working from home impacted your business (e.g. operations, customer profile, profitability)?

BCSDA Response

The large-scale shift to working from home has not negatively impacted our organisation's operations or effectiveness. As a CEO-led, non-profit body focused on policy analysis, research, advocacy, and member mobilisation, much of our work is inherently desk-based and well-suited to remote delivery. Our ability to engage with members, government, and stakeholders has remained strong through digital platforms and online collaboration tools.

In fact, the flexibility of remote work has created advantages for our organisation. With limited resources, we have been able to broaden our talent pool by sourcing volunteers, interns, and casual contributors who are attracted to the flexibility of working from home. This has strengthened our capacity to deliver research, advocacy, and collaborative projects without the additional costs associated with traditional office arrangements.

Overall, the shift to working from home has supported our mission by allowing us to operate efficiently, remain accessible to members nationwide, and channel resources towards impact rather than overheads.

What are your views on work from home arrangements?

BCSDA supports a balanced and flexible approach to working from home (WFH) that advances productivity, inclusion, and climate resilience while recognising industry diversity and place-based impacts.

Internationally, leading jurisdictions have shifted from ad hoc pandemic practices to structured flexibility. The UK's "day-one right to request" (April 2024), Ireland's statutory right to request remote work with an accompanying Code of Practice, and Portugal's legislated "right to disconnect" demonstrate how governments can protect employee wellbeing while preserving employer discretion to refuse requests on operational grounds. These frameworks provide instructive models for Victoria, showing how structured processes safeguard both workers and employers.

In Victoria, recent debate has highlighted business concerns around a proposed universal entitlement to work from home at least two days per week. Key issues raised include loss of employer discretion, risks to team cohesion, and the economic impacts on central business districts. These concerns are real: Melbourne's CBD vacancy rate remains the highest among Australian capitals (~18% in January 2025), signalling ongoing adjustment costs for the property market and city centre vitality. Policymaking should therefore pair worker-centred flexibility with urban revitalisation measures—such as transport improvements, cultural programming, and mixed-use planning.

On balance, WFH delivers measurable benefits where applied to suitable roles. ABS data confirm that in August 2024 around 36% of employed people usually worked from home, showing that flexible and hybrid models are now a mainstream feature of Australia's labour market. Benefits include improved wellbeing and retention (through greater autonomy and reduced commuting time) and lower operating costs for organisations—particularly for knowledge-based and policy-focused non-profits like ours—freeing resources for mission delivery.

From a systems perspective, moderated telework adoption can also support Victoria's climate objectives by reducing unnecessary travel, easing congestion, and cutting emissions, while recognising potential rebound effects. National emissions projections attribute a notable share of reduced passenger road activity to increased telework, and international evidence indicates that sustained remote work, when paired with transport demand management, can lock in these gains.

At the same time, policy must safeguard sectors where on-site presence is mandatory or desirable (health, manufacturing, logistics, hospitality, education, and many services). A well-designed Victorian framework should:

- preserve employer discretion to refuse or tailor WFH where it compromises safety, service quality, training, or innovation;
- require good-faith consultation and timely written decisions on requests, consistent with UK and Irish process standards; and
- encourage hybrid solutions (e.g., anchored “in-office” days) for teams whose outcomes depend on co-location.

To address place-based concerns, complementary measures should promote CBD recovery and regional equity—through improved active and public transport, flexible tenancy models, digital infrastructure for hybrid work, and vibrant city programming. Elevated Melbourne office vacancy rates underscore the need to align WFH policy with broader urban and economic strategies, rather than rely on labour regulation alone to address property market challenges.

Our position: Victoria should legislate a *right to request* flexible or hybrid work with clear employer grounds to refuse, complemented by guidance, dispute-avoidance procedures, and sector-specific tailoring. Paired with targeted CBD revitalisation and transport policies, this balanced approach will deliver socio-economic sustainability—supporting worker wellbeing and participation, widening talent pools (including carers and people with disability), lowering operational costs, and contributing meaningfully to emissions reduction—while respecting operational realities across industries.

What does government need to consider in legislating the right to work from home?

BCSDA Response

BCSDA supports legislating fair and flexible access to remote and hybrid work, as it can lift participation, inclusion, and resilience. However, we caution against a blanket minimum entitlement that is role-blind and sector-agnostic. A durable law should be procedurally strong, economically neutral, safety-led, and outcomes-measured (ABS, 2024; Productivity Commission, 2021).

1) “It’s popular and growing” — agree on direction, calibrate the instrument

- Over one-third of Australians regularly WFH and ~60% of professionals do so. ABS data confirm 36% “usually worked from home” in August 2024.
- Popularity, however, does not equate to universal operational viability. A structured right-to-request—with objective refusal grounds and response timelines—protects both flexibility and managerial discretion better than a universal two-day minimum. (ABS, 2024; Singapore MOM TG-FWAR, 2024).

Recommendation: Adopt a right-to-request regime with clear forms, a two-month decision standard, written reasons, and conciliation. Singapore’s 2024 tripartite model is a practical template.

2) “It saves families money/time” — true on average, but uneven in practice

- CEDA estimates ~\$5,308 annual household savings and 3.4 hours/week less commuting for WFH cohorts. These averages mask cost-shifting (energy, equipment) that varies by commute distance and housing type.
- Recommendation:** Mandate a basic cost-sharing framework and ergonomic/WHS standards for regular WFH, while allowing sectoral/award flexibility. (CEDA, 2025; Safe Work Australia, 2023; Spain RDL 28/2020).

3) “It cuts congestion/emissions” — likely, but avoid rebound traps

- Reduced commuting can ease congestion and emissions, but overall impact depends on transport mode shifts and non-work travel.
- Melbourne’s CBD vacancy (~18%, Jan 2025) highlights that property-market adjustment should not be addressed through labour standards.

Recommendation: Pair WFH legislation with separate levers for CBD revitalisation and transport demand management (e.g., pricing pilots, mixed-use planning).

4) “It gets more people working” — strong inclusion benefits, but uneven

- Flexible work has lifted participation (+4.4 pp since 2019, particularly carers and people with disability).
- Risks remain for early-career workers if hybrid design undermines mentoring.

Recommendation: Require training and supervision plans for junior roles (e.g., anchored team days, mentoring targets), with documented rationale where WFH is refused.

5) “It’s good for business/productivity” — nuanced evidence; design matters

- CEDA finds fully remote workers log ~19.7% more hours; some studies show lower output per hour (-8–19%). Productivity outcomes hinge on role/task design.

Recommendation: Embed evaluation in the law. Track productivity, refusal reasons, WHS incidents, and inclusion metrics. Enable trial periods and review clauses.

6) Recognise roles where presence is mandatory or desirable

- A flat two-day minimum risks perverse outcomes in sectors like health, manufacturing, logistics, education, and crisis response.
Recommendation: Legislate objective refusal grounds (safety, confidentiality, supervision, equipment dependency, team-based tasks) with role-based exemptions supported by consultation and documentation.

7) Keep people safe and data secure wherever work happens

- WHS: Extend duties explicitly to home workplaces (risk assessment, ergonomic set-up, psychosocial health, incident reporting).
- Privacy/cybersecurity: Require privacy risk assessments, minimum device controls, and transparent limits on monitoring. Consider a complementary right-to-disconnect duty (e.g., Ontario model).

8) Use social-dialogue tools, not statute alone

- Europe's 2002 Framework Agreement on Telework shows how collective agreements and model codes can operationalise telework flexibly.
Recommendation: Pair legislation with model policies, request/response templates, WHS checklists, and privacy DPIAs. Keep the Act short, with compliance tools tailored for SMEs.

9) Build a feedback loop (learn and adjust)

- Mandate annual public reporting of uptake, refusals, disputes, productivity proxies, inclusion outcomes, and emissions impacts.
- Introduce sunset-review of key provisions after 3–4 years.

Bottom Line for Legislation Design

- Do: Enact a procedural right with clear refusal grounds, timelines, documentation, WHS and privacy baselines, sectoral tailoring, and embedded evaluation.
- Don't: Impose a universal two-day minimum that overrides operational realities or use WFH law to solve CBD property challenges.

This fit-for-purpose approach secures the real benefits the Allan Administration highlights—time/money savings, participation, resilience—while managing risks and preserving productive discretion for Victorian employers.

Should any business or employee types be exempt from the right to work from home?

BCSDA Response (Updated Draft)

BCSDA recommends against carving out entire industries. The framework should apply universally, with actual eligibility determined through **role-based feasibility tests, clear procedural safeguards, and objective refusal grounds**. This protects wellbeing and inclusion while preserving operational integrity, safety, privacy, and service quality (Acas, 2024; KVK/L&E Global, 2024; Singapore MOM/TAFEP, 2024).

A. Eligibility should be role-based, not industry-based

1. **Role feasibility test** — Define eligibility around task characteristics (e.g., digital/desk-based work, low dependency on fixed equipment, minimal physical interaction). Require managers to record how each role meets—or fails—these criteria (Acas, 2024; Singapore TG-FWAR).
2. **Codified refusal grounds** — Permit refusals where WFH undermines safety, service quality, supervision/training, confidentiality, or equipment-dependent workflows, consistent with international practice (Acas, 2024; KVK/L&E Global, 2024).
3. **Collective tailoring, not exclusions** — Where subsectors have distinct conditions (e.g., manufacturing lines, clinical care), rely on awards or collective instruments to set parameters, as seen in Spain's use of sectoral agreements (Hogan Lovells, 2020; National Law Review, 2020).

B. Procedural fairness to prevent misuse

4. **Right-to-request with timelines** — Standard forms, a fixed decision period, reasons in writing, and access to conciliation balance fairness with managerial discretion (Mayer Brown, 2024; L&E Global, 2024).
5. **Trial periods and reviews** — Allow time-limited trials (8–12 weeks) before confirming or rejecting arrangements, using agreed performance and service metrics (Acas, 2024).
6. **Transparency guardrails** — Require written rationales for refusals and basic documentation for approvals (schedule, WHS controls, data security). This deters arbitrary or inconsistent outcomes (Acas, 2024).

C. Safety, privacy, and security wherever work happens

7. **Extend WHS obligations** — Codify duties for home work, including risk assessment, ergonomics, psychosocial risk management, and incident reporting, supported by templates and checklists for SMEs (Safe Work Australia, 2023).

8. **Data protection and monitoring limits** — Require baseline device/access controls and proportionate, transparent monitoring. Roles involving sensitive data or critical operations may be deemed ineligible on security grounds (Acas, 2024; Spain RDL 28/2020).

D. Special categories without blanket exemptions

9. **Front-line/equipment-dependent roles** — Allow on-site mandates where presence is inherent (e.g., clinical care, labs, logistics, field services). Refusal grounds should be linked to duties, not industry labels (Acas, 2024).
10. **Early-career/training-intensive roles** — Support structured hybrid models with anchored team days and documented supervision plans (Acas, 2024; Singapore TG-FWAR).
11. **Casuals, contractors, micro-businesses** — Apply the same principles where feasible, but allow scaled documentation and clearer refusal grounds for intermittent, site-based, or client-dependent roles. Policy clarity is important, as ABS data show ~7.5% of workers are contractors and 22% lack paid leave entitlements (ABS, 2024).

E. Evidence and proportionality

12. **Use labour-market evidence** — In August 2024, 36% of employed Australians usually worked from home, with much higher rates in professional/managerial occupations. This confirms why role-based feasibility, not sector bans, should guide design (ABS, 2024).
13. **Evaluate and iterate** — Require annual reporting of uptake, refusals, disputes, WHS incidents, and service outcomes, disaggregated by occupation and region, to refine guidance over time (Acas, 2024; Spain RDL 28/2020).

Bottom line

Legislate **universal coverage** with role-based eligibility and codified refusal grounds, supported by procedural fairness, WHS and privacy baselines, and sector-level tailoring tools. This system-neutral design delivers flexibility and inclusion while safeguarding safety, service quality, training, and security—without resorting to blunt, industry-wide exemptions (Acas, 2024; Singapore MOM/TAFEP, 2024; ABS, 2024; Spain RDL 28/2020; KVK/L&E Global, 2024).

Final

Is there anything you'd like to add?

BCSDA Response

Victoria has the opportunity to lead with a **fit-for-purpose, durable framework** for flexible work. We recommend legislating a **universal, role-tested right-to-request**, rather than a one-size-fits-all minimum. This should be backed by explicit baselines for safety, privacy, and fairness; practical tools and guidance for employers; and embedded evaluation to ensure the framework adapts over time.

Such a design captures the proven benefits of flexible work—greater participation, wellbeing, resilience, and cost efficiency—while safeguarding service quality, training, security, and the requirements of roles that must remain on-site. This balanced, evidence-led approach will provide workers with flexibility, employers with certainty, and position Victoria as a national and international leader in sustainable workplace regulation.

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