

**Submission by the Australian Nursing and Midwifery Federation**

# **Inquiry into the Fair Work Amendment (Right to Work from Home) Bill 2025**

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**Australian  
Nursing &  
Midwifery  
Federation**



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## Introduction

1. The Australian Nursing and Midwifery Federation (ANMF) is Australia's largest national union and professional nursing and midwifery organisation. In collaboration with the ANMF's eight state and territory branches, we represent the professional, industrial and political interests of more than 356,000 nurses, midwives and care-workers across the country.
2. Our members work in the public and private health, aged care and disability sectors across a wide variety of urban, rural and remote locations. We work with them to improve their ability to deliver safe and best practice care in each and every one of these settings, fulfil their professional goals and achieve a healthy work/life balance.
3. Our strong and growing membership and integrated role as both a trade union and professional organisation provides us with a complete understanding of all aspects of the nursing and midwifery professions and see us uniquely placed to defend and advance our professions.
4. Through our work with members, we aim to strengthen the contribution of nursing and midwifery to improving Australia's health and aged care systems, and the health of our national and global communities.
5. The ANMF thanks the Senate Education and Employment Legislation Committee for the opportunity to provide feedback on the *Fair Work Amendment (Right to Work from Home) Bill 2025 (the Bill)*.
6. The Bill amends the *Fair Work Act 2009* (Cth) (**FW Act**) to introduce a statutory right for employees to request to work from home for up to two days per week. The Bill:
  - Expands the right to request flexible working arrangements to all workers, rather than only certain cohorts of workers identified in s 65 of the FW Act;
  - Defines a new category of request — a “work from home up to 2 days request”;



- Limits employers' ability to refuse a work from home up to 2 days request where the arrangement would make performance of the role's inherent requirements impractical or impossible; and
  - For other requests (ie other flexible working requests or requests to work from home for more than 2 days), the current test of 'reasonable business grounds' would remain.
7. Across most nursing, midwifery and care roles, working from home is typically not a viable option. It remains an inherent requirement of most of our member's roles to physically attend a hospital, clinic or care facility to perform most of their work. However, the ANMF includes members working in policy, education, regulation and in telehealth settings.
8. The ANMF broadly supports the intent of the Bill to introduce a right to request a work from home arrangement as part of the existing flexible working arrangements framework at Division 4 of Part 2-2 in the *Fair Work Act 2009*. The ANMF notes, however, the ongoing Fair Work Commission (**FWC**) test case to introduce a working from home clause to the *Clerks – Private Sector Award 2020* is the current priority of the union movement in this area of reform. The ANMF continues to strive for enhanced flexibility for nurses, midwives and carers via collective bargaining.
9. The ANMF has had the opportunity to review the submission of the Australian Council of Trade Unions (ACTU) in advance, and the ANMF expresses its support of that submission.

## Working from Home, Nursing and Midwifery

10. The ANMF acknowledges that working from home provides enormous benefits to Australian workers. This is particularly so for women, who still undertake most caring responsibilities and need to balance them alongside their work. A universal right to request a working from home arrangement would also assist in normalising men working more flexibly to accommodate their caring responsibilities as well. People with a disability or chronic health condition also benefit significantly from accessing a working from home arrangement. Many



of these workers are unable to commute to or work in an office due to one or several conditions, and working from home enables them to participate in the workforce and contribute to the economy.

11. The ANMF would like to comment briefly on the proposed limitation on refusal of requests to work from home for up to two days on the basis that a working from home arrangement would make the performance of a role's inherent requirements "impractical or impossible". Many of our members are required to attend their workplace most of the time, but there are administrative aspects to some nursing and care roles that could be undertaken from home.
12. The ANMF acknowledges this is a complex undertaking. Ideally the test would consider, for the purposes of an employer refusing a request to work from home, a role's inherent requirements as separate rather than singular. This understanding would permit, where possible, the performance of *some* inherent requirements from home, and the rest in the usual workplace.

## Changes to Flexible Working Arrangements

13. The ANMF acknowledges that, like working from home, flexible working arrangements more broadly are similarly beneficial to Australian workers. The capacity to work flexibly improves the ability for workers with caring responsibilities to participate in the workforce. In addition, flexible working arrangements allow workers greater ability to accommodate work life balance and thereby continue to contribute to the workforce throughout different life stages. Measures to support nurses, midwives and carers to remain in the workforce are vital in the face of growing demands on Australia's health and aged care sectors.
14. The ANMF supports the expansion of flexible working arrangements to all workers to better reflect modern working standards and practice. The current qualifying criteria at s 65(1A) of the FW Act to make a formal request is restricted to specific conditions such as age, caring responsibilities or disability. This does not encapsulate the full spectrum of circumstances faced by individual workers. Expanding these criteria would also assist in remedying the



inconsistency of decisions made by the FWC in its limited number of s 65 disputes.

15. The ANMF notes also the 12 month waiting period at s 65(2) of the FW Act before an employee is able to request a flexible working arrangement. This limit operates to prevent participation in the workforce rather than facilitate it and should be removed.
16. The ANMF recommends Parliament explore expanding flexible working arrangements as a separate exercise to introducing a right to request a working from home arrangement.

### The Four Day Work Week

17. Given our members cannot typically enjoy a right to work from home, the ANMF wishes to see further exploration of reduced ordinary working hours without a reduction in pay – ie, a ‘four day work week’, but in a model able to be utilised by our members and all workers. This would involve reducing the ‘full time equivalent’ (FTE) hours to 0.8, or 32 hrs a week, without any loss of pay. The ANMF recognises the transformative impact on the Australian workforce this reform would have and recommends the reduction in ordinary hours occur over years rather than an immediate drop.
18. A ‘four day work week’ model would provide greater flexibility and work/life balance to a greater proportion of working people across Australia. While working from home is an important element of modern workplace flexibility, it is inaccessible across a large and diverse range of employees working across healthcare, retail, hospitality, manufacturing, education and primary production. The advent of working from home has, in part, created a two-tiered system of workers. A reduced number of hours for all workers would go some way to amending this inequity.
19. A reduced full time load without loss of pay reduces burnout and improves the health outcomes of workers without sacrificing productivity. The ANMF recommends Parliament consider legislating a gradually reduced full time load of ordinary hours or ‘four-day work week’ to improve the lives of all workers rather than just those who can work from home.



## Conclusion

20. The ANMF is supportive of the intent behind the Bill. The ANMF recommends:

- That Parliament delay the passage of this amendment until such time as the FWC working from home test case has been decided;
- That, if in the future Parliament should introduce a right to request to work from home, ensure such a right considers circumstances in which an employee may be able to perform a *portion* of their role from home;
- That Parliament proceed with expanding the rights of all workers to request flexible working arrangements, separate to any introduction of a right to request to work from home;
- That Parliament explore legislating a reduction in ordinary hours for full time work or 'four-day work week'.

21. The ANMF once again thanks the Senate Education and Employment Legislation Committee for the opportunity to comment on the proposed Bill. The ANMF reiterates its commitment to supporting further measures to improve workplace flexibility and looks forward to further opportunities to contribute.