



**MASTER BUILDERS**  
A U S T R A L I A

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Committee Secretary  
Senate Education and Employment Committees  
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## Fair Work Amendment (Right to Work from Home) Bill 2025

On 27 November 2025, the *Fair Work Amendment (Right to Work from Home) Bill 2025* (Bill) was referred to the Senate Standing Committee on Education and Employment for inquiry and report (Inquiry).

Master Builders Australia (Master Builders) submits this correspondence in response to the Inquiry.

As noted in the Explanatory Memorandum (EM) to the Bill,

*'the Bill seeks to enshrine a minimum right to request to work remotely up to two days per week available to all workers, while maintain safeguards for employers where such arrangements are impractical or impossible due to the inherent requirements of the role'*

Master Builders seeks to highlight to the Committee that, in fact, the Bill goes much further than that.

The Bill proposes to completely rewrite the current arrangements regarding requests for flexible work arrangements.

This is uncalled for and unjustified.

Master Builders submits that the current arrangements offer sufficient flexibility to address both personal and family-related challenges which permit several responses including a range of flexible work arrangements that would capture remote or hybrid work, adjusting start and finish times or offering flexible breaks.

Notably, the provisions can be applied equally and reasonably in relation to the job role or industry and provides clarity and certainty for both employers and employees regarding their rights and obligations with respect to such request.

Master Builders support flexibility in the workplace and, is of the view that, the current arrangements are adequate and appropriate.

Master Builders recommends that the Committee does not support the Bill.



## Key considerations

To move away from the current approach would have a range of impractical consequences.

### **Undermine existing arrangements**

Since the COVID-19 Pandemic, most businesses have implemented workplace policies on working from home arrangements and individual employers and employees can work out the arrangements that best suits their situation. This is appropriate.

The Bill could undermine these existing arrangements.

### **The Bill is ill-suited to a range of industries**

A broad right to work from home is not practical, reasonable or even feasible for most of the building and construction industry.

Construction industry workers including tradespeople, labourers, machine operators and apprentices cannot perform their jobs from home. In relation to the latter, apprentices must be supervised and trained onsite to ensure their skills develop and they progress through their apprenticeship.

Even roles not specifically 'on the tools' such as engineers, building certifiers or surveyors, project managers and site supervisors must be physically onsite to carry out their work and are important instruments in the coordination, management, supervisions and promotion of safety on building and construction sites.

These jobs build the homes, workplaces, community facilities and critical infrastructure that the country requires.

Additionally, professional and support staff are often needed to work in a centralised office to:

- ▶ Respond quickly to evolving working conditions onsite.
- ▶ Facilitate collaborative problem solving and decision making often on short notice.
- ▶ Review physical plans, drawings and specifications.
- ▶ Work collectively on project tenders, contracts and obtaining permits.
- ▶ Train mentor and support other team members in specialised tasks.

While the Bill allows an employer to refuse a *'request on the grounds that the requested change in working requirements would make the performance of the inherent requirements of the employees employment duties impractical or impossible'*, Master Builders maintains the position that this approach does not adequately accommodate industries that inherently require work to be carried out at a location away from home.

### **The 'have's and have not's'**

The Bill could create an unhelpful legislative divide between workers who can work from home and those that cannot.

This may discourage participation in the building and construction industry at a time when the industry is experiencing significant skill shortages, as most workers do not have the option of working from home.

The reality for the building and construction industry is that structural skill shortages not only jeopardise the achievement of the Governments Housing Accord target to build 1.2 million homes over 5 years but could adversely affect the delivery of a range of building and construction projects including large and significant infrastructure projects.



BuildSkills Australia estimates that meeting the National Housing Accord will require 193,574 additional workers in the residential building industry.

Infrastructure Australia estimates a current infrastructure workforce shortfall of 141,000, potentially rising to 300,000 workers by 2027.

Apprentice numbers have been declining since June 2022 and acute shortages exist across all core trades, including carpentry, bricklaying, concreting, plastering, tiling, electrical and finishing trades.

These skill shortages are exacerbated by challenges attracting and retaining apprentices due to the cultural challenges faced by the industry.

Legislating a right to work from home in circumstances where such a right is impossible to implement simply puts up yet another barrier to attracting and retaining workers in the building and construction industry.

### **Impact on small businesses**

98 per cent of business in the building and construction industry are small businesses. These small businesses are disproportionately impacted by regulatory change.

Small businesses face unique challenges including not having the resources, systems and expertise of larger businesses. These businesses already struggle to navigate the current legal and regulatory environment, lack access to specialist support to assist them and are ill-equipped to manage disputes that a lack of clarity regarding a legislated right to work from home may lead to.

Finally, those operating small businesses often perform multiple roles and expect similar dexterity from their employees. This adds a further challenge to accommodating work from home requests for all employees.

### **Introduces complexity and uncertainty**

The current arrangements regarding the right to request flexible work arrangements have a long history.

The provisions became part of the National Employment Standards (NES) in 2010 with the introduction of the *Fair Work Act 2009* (Cth) and allowed an employee who was a parent or primary caregiver of children under school age (or children with disabilities under the age of 18) to request flexible work.

The *Fair Work Amendment Act 2013* (Cth) expanded these entitlements, allowing a broader range of employees to request flexible working arrangements. This included employees with family and caring responsibilities, employees with disabilities, and employees experiencing family or domestic violence.

Finally, the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* (Cth) expanded the operation of these entitlements, including by:

- ▶ Amending the procedures that govern how employees may request a flexible working arrangement from their employer;
- ▶ Confining the grounds available to an employer for refusing such a request; and
- ▶ Allowing workers to dispute an employer's refusal to grant a flexible working arrangement and expanding the Fair Work Commission's arbitration powers to deal with such disputes.

Master Builders opposed these amendments. Employers have nevertheless been forced to grapple with the impacts of these changes from their commencement on 6 June 2023. Given the significant compliance burden generated by the passing of the Secure Jobs Better Pay Act, further extensive reforms to the laws regarding flexible working arrangements which would introduce further complexity, and uncertainty should not be pursued.



## Who We Are

Master Builders is the nation's peak building and construction industry association, which was federated on a national basis in 1890. Master Builders' members are the Master Builder State and Territory Associations. Over 130 years, the Master Builders network has grown to more than 32,000 businesses nationwide, including the top 100 construction companies. Master Builders is the only industry association representing all three sectors: residential, commercial, and civil construction.

The Master Builders network also delivers vocational education and training through its network of registered and group training organisations across Australia. This includes trade qualifications in building and carpentry as well as ongoing professional development training.

Membership with Master Builders is a stamp of quality, demonstrating that a builder values high standards of skill, integrity, and responsibility to their clients.

Master Builders' vision is for a profitable and sustainable building and construction industry.