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### **Attention: Education and Employment Legislation Committee**

Please accept this letter as Children and Young People with Disability Australia's (CYDA) submission to the Fair Work Amendment (Right to Work from Home) Bill 2025. We appreciate the opportunity to provide comment on this important work.

### **About CYDA**

Children and Young People with Disability Australia (CYDA) is the national representative organisation for children and young people with disability, aged 0–25 years. Our vision is that children and young people with disability fully exercise their rights, realise their aspirations, and thrive in inclusive communities. Our work centres on rights-based advocacy, lived experience, and evidence-informed policy.

### **General comment**

CYDA welcomes the proposed amendment to the Fair Work Bill, that will enshrine the right to work from home (WFH) for up to two days per week for all Australians. We view this as a positive development towards strengthening rights-based employment legislation in Australia, that is in line with a commitment to developing more inclusive workplaces.

We propose that the amendment is accepted in a manner that recognises the additional barriers to workplace rights faced by young people with disability and other diverse groups, and that acts to strengthen rather than dilute their rights.

### **Context: Employment barriers for young people with disability**

Young people with disability (YPWD) are one of the most disadvantaged cohorts in the labour market. They are more than twice as likely to be unemployed as their same-aged peers without disability, with only 58 per cent participating in the labour force (compared

with 73 per cent of young people without disability).<sup>1</sup> Nearly half of YPWD aged 15 to 24 years (49 per cent) rely on income support payments as their main source of income, compared with 14 per cent of those without disability.<sup>2</sup> Only 20 per cent of NDIS participants aged 15-24 years are employed.<sup>3</sup> Almost three quarters (74.3 per cent) of YPWD aged 20-24 years have completed year 12, compared with nearly nine in ten young people without disability (87.4 per cent). Only 23 per cent of 20–24-year-olds with disability are enrolled in university or other higher education, and 9.6 per cent in TAFE.<sup>4</sup> This impacts upon workforce participation, with evidence showing that having a bachelor's degree increases the chances of people with disability being employed by 34.4 per cent.<sup>5</sup>

These barriers are structural – evidence that education and employment systems are not inclusive, and inhibit rather than facilitate equitable participation opportunities and outcomes. This means that additional rights-based measures and safeguards are needed to ensure equitable workplaces for young people with disability.

Analysis of data from the 2022 Household Income and Labor Dynamics in Australia (HILDA) found that in jobs where people could work from home, workforce participation increased by 8.5 percentage points for women with young children and nearly six percentage points for people with a disability or health condition from 2019 to 2022.<sup>6</sup> Following the COVID-19 pandemic, the shift to WFH has seen increased opportunities for young people with disability to participate in the workforce.

## Recommendations

We make the following recommendations based on CYDA's previous advocacy around employment conditions and accommodations for young people with disability.<sup>7</sup>

### **1. Ensure that the universal Right to Work from Home entitlement operates as a minimum standard and does not cap, limit, or displace additional disability-specific rights under reasonable adjustment frameworks**

Instating a right to WFH for up to two days per week for all Australians recognises the flexible capacity of modern workplaces and is responsive to cost-of-living pressures, especially since COVID-19. Such a measure will alleviate pressures on workers and enable more equity for those with caring responsibilities, those in remote areas, and those with disability.

However, for many young people with disability, working from the office is not an option. Barriers such as inaccessible transport, chronic fatigue and pain management, and the impact of sensory overstimulation in office environments mean that for many people with

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<sup>1</sup> Australian Bureau of Statistics (2022) [Children and young people with disability](#).

<sup>2</sup> Australian Institute of Health and Welfare (2019) [People with Disability in Australia](#).

<sup>3</sup> AIHW (2025) [Young NDIS participant employment](#).

<sup>4</sup> ABS (2022) [Children and young people with disability](#).

<sup>5</sup> Buckland et al. (2024) [Employment and disability in Australia](#). Bankwest Economics.

<sup>6</sup> The Committee for Economic Development of Australia (2024) [Economic and Policy Outlook](#).

<sup>7</sup> See for example, CYDA (2025) [Submission on Strengthening the Disability Discrimination Act for children and young people with disability](#); CYDA (2025) [Submission on Supporting Rights-Based Employment for Young People with Disability](#).

disability working from home is not a “nice-to-have”, but a requirement and an adjustment<sup>8</sup> that is necessary to make working conditions possible.

CYDA recommends that the Fair Work Amendment Bill introduce a qualification that differentiates a universal right to WFH, from the disability-specific requirement to WFH.

## **2. Safeguard and enshrine disability and caring-specific accommodations**

Relatedly, this qualification to the amendment should make it clear that a universal right to WFH will strengthen and amplify, not infringe upon, any disability or caring-specific accommodations that employees request. Specifically, the universal right to WFH must not:

- reduce the obligation to provide reasonable adjustments,
- replace existing flexible work provisions, or
- act as a ceiling on WFH arrangements for disability and/or caring needs.

This is necessary because workplace disability rights in Australia are currently at the discretion of the employer. The Fair Work Commission and Disability Discrimination Commission are remedial, requiring individuals to bring a complaint after a right is infringed upon. In the absence of a formalised Disability Standards for Employment, we are lacking a mechanism to enforce rights other than the Fair Work Act 2009 (Cth) and the Disability Discrimination Act (DDA) 1992, the latter of which is currently under review.

CYDA recommends that the amendment to the Fair Work Bill be treated carefully as to strengthen existing general workplace protections and workplace disability rights, not dilute them.

CYDA also recommends that safeguards are introduced into the process, such as:

- Defining the reasonable grounds for refusal of WFH requests, using a concrete list of refusal examples.
- Preventing misuse of section 65A(5) ‘inherent requirements’ exception to justify exclusion of young people with disability, by supporting alignment between anti-discrimination law and underpinning Clause 5 in a statutory definition of inherent requirements. A statutory definition in practice, would factor in the nature and extent of adjustments when considering whether the person with disability can meet the inherent requirements of the role.<sup>9</sup>

As one young person told CYDA in a recent consultation about the DDA Review:

“A rights-based approach would mean I wouldn’t have to fight for reasonable adjustments to be met, for example, if there was a standard of inclusivity within the workplace allowing for flexible and remote work.” (Young person with disability, Time for Change Policy Forum: Young People with Disability’s Perspectives on Discrimination, March 2025)

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<sup>8</sup> The *Disability Discrimination Act 1992* requires employers to make ‘reasonable adjustments’ so a person with a disability can perform the inherent requirements of the job, unless this would cause ‘unjustifiable hardship’.

<sup>9</sup> CYDA (2025) [Submission on Strengthening the Disability Discrimination Act for children and young people with disability](#)

### **3. Align the Fair Work Act with the Disability Discrimination Act (and the suite of Discrimination Acts) to ensure equity**

It is also important that this universal amendment to the Fair Work Act is cognisant of other equity-based employment measures for diverse and intersectional groups including young people with disability, multicultural communities, LGBTIQ+ communities, First Nations communities, and regional/remote communities.

Each of these groups faces distinct barriers to workplace inclusion, and there must be a guarantee that the introduction of a universal right to WFH does not preclude additional, tailored, and specific requirements for these groups.

CYDA recommends that it should be an explicit requirement for employers to consider the effects of intersectional disadvantage and associated cumulative barriers on workplace rights and inclusion.

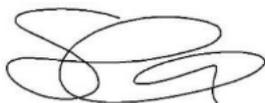
### **4. Ensure that WFH conditions are accessible, safe, and equitable**

Finally, as part of the normalisation of WFH that this amendment would entail, it is vital that WFH conditions are accessible, safe, and equitable. Some measures that would address this include:

- Ensure workplace health and safety assessments are undertaken by employees using employer guidelines, and any reasonable needs for adjustment are funded by employers (e.g. ergonomic equipment).
- Prohibit covert monitoring or surveillance of productivity through tracking, keystroke monitoring, and on-camera expectations.
- Ensure any monitoring is proportionate and transparent.
- Introduce safeguards to mitigate any negative impacts to workplace opportunities from WFH (due to isolation or exclusion from networks), such as a requirement that performance management is based on outcomes not attendance, and equal access to training, progression, and supervision.

Thank you again for the opportunity to make a submission. If you have any questions about CYDA's submission, please contact CYDA's Policy and Research Manager at [lizhudson@cyda.org.au](mailto:lizhudson@cyda.org.au).

Yours sincerely



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