DETERMINATION

Fair Work Act 2009
s.157—FWC may vary etc. modern awards if necessary to achieve modern awards objective

Variation on the Commission's own initiative — *Clerks—Private Sector Award 2020*
(AM2024/34)

CLERKS—PRIVATE SECTOR AWARD 2020
[MA000002]

Clerical industry

JUSTICE HATCHER, PRESIDENT
DEPUTY PRESIDENT O'NEILL
COMMISSIONER MCKINNON

SYDNEY, 19 OCTOBER 2026

Proposed variation on the Commission's own initiative – working from home – Clerks—Private Sector Award 2020 – modern award varied.

A. Further to the decisions issued by the Full Bench on 27 August 2026 [[2026] FWCFB 225] and 19 October 2026 [[2026] FWCFB 281], the above award is varied as follows:

1. By inserting clause 5A as follows:

5A. Requests for working from home arrangements

5A.1 An individual employee may request, and an employer may agree to, an arrangement permitting the employee to work from home.

5A.2 **Working from home** means the performance of duties by an employee at their residence or at another location chosen by the employee that is approved by the employer.

5A.3 A request by an individual employee for a working from home arrangement must be made in writing and must specify the day(s) of the week, or the number, proportion or pattern of days, that the employee proposes to work from home.

5A.4 Despite anything else in this award, an individual employee and an employer may agree to modify the application of the following terms of this award to facilitate the grant of a request for a working from home arrangement:

(a) the working of ordinary hours continuously under clause 13.6(a);

(b) the working of ordinary hours at the discretion of the employer in accordance with this award under clause 13.6(b);

(c) the time for taking rest breaks under clause 15.2;

(d) the time for taking meal breaks under clause 15.3.

5A.5 An individual employee and an employer may enter into a facilitative agreement in accordance with the following terms of this award as part of a working from home arrangement:

(a) alteration of the spread of ordinary hours under clauses 13.4(c) or 25.2(c);

(b) making up time taken off during working hours under clauses 13.8 or 26.5;

(c) changes to times at which the employee will start and finish a shift under clause 26.4(b);

(d) time off instead of payment for overtime under clauses 23 or 29.

5A.6 An agreement about a working from home arrangement made as a result of a request under clause 5A.3 must be in writing and must identify:

(a) the day(s) of the week, or the number, proportion or pattern of days, on which it is agreed the employee may work from home;

(b) the location where work is to be performed when working from home;

(c) any modification to the application of award terms in accordance with clause 5A.4;

(d) any facilitative agreement in accordance with clause 5A.5;

(e) the start date of the arrangement; and

(f) how the arrangement may be varied by agreement or terminated by either party.

5A.7 An agreement about a working from home arrangement must be one that is made by the individual employee and the employer without coercion or duress.

5A.8 The employer must keep the agreement as a time and wages record and give a copy to the employee.

5A.9 Clause 5A does not limit the operation of clause 5—Individual flexibility arrangements.

NOTE 1: Under this clause, an employee may request and an employer may agree to a new working from home arrangement or the formalisation of an existing working from home arrangement.

NOTE 2: An eligible employee may also request a flexible working arrangement under section 65 of the Act.

NOTE 3: Disputes about requests for working from home arrangements under this clause may be dealt with under clause 40—Dispute resolution.

2. By updating the table of contents and cross-references accordingly.

B. This determination comes into operation on 26 October 2026. In accordance with s 165(3) of the *Fair Work Act 2009* (Cth), this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 26 October 2026.



PRESIDENT

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