

MEDIA RELEASE

Tuesday 1 March 2022



1 in 5 callers to employment law phone line concerned about a return to the office

Employment rights community legal centre JobWatch reports an increase in calls for legal assistance from workers keen to continue working from home.

Since the state government's announcement last week announcing that the public health recommendation for Victorians to work or study from home will be removed, **one in five** calls to JobWatch's Telephone Information Service has been from workers concerned about returning to the office.

Among those callers is Greg*, who has sole custody of his son and is primary carer for an immunocompromised parent. Having worked from home for the past two years, he is reluctant to return to the office on a full-time basis given his caregiving responsibilities. His employer has mandated a full-time return to the office for all workers and has been unwilling to negotiate with Greg on flexible work arrangements where he would go in for key meetings, but otherwise work from home.

Zana Bytheway, Executive Director of JobWatch, says that this increase in calls is of no surprise.

"Many Victorians have essentially had two years of working from home. While there are some downsides in reducing workplace collaboration opportunities, many workers have enjoyed their improved work-life balance in juggling care responsibilities and household chores, as well as reducing commuting times. Other workers have concerns about workplace health and safety given the ongoing high COVID-19 case numbers," she says.

"It's clear that in the current economic context, workers have more options available to them. Employers will need to communicate with their staff to ascertain their preferences and may need to embrace hybrid work models otherwise risk losing their employees to more flexible workplaces."

However Ms Bytheway reminds employees that they must obey the lawful and reasonable directions of their employers as failing to comply with a lawful and reasonable direction may justify dismissal. Workers will need to consider whether their employer's particular direction to return to the workplace is both lawful and reasonable in the circumstances, considering workplace health and safety, potential entitlements to request flexible working arrangements and reasonable adjustments for disability.

She cautions, "Just because a worker has been working from home for the past two years, it doesn't mean that an employer request to return to the office is inherently unlawful or unreasonable. Each case is individual and workers are encouraged to seek legal assistance".

All workers are encouraged to call JobWatch's Telephone Information Service on 1800 331 617 (regional Victoria, QLD, TAS) or 03 9662 1933 (Melbourne metro) for legal information tailored to their circumstances if they have concerns about their rights at work.

**not his real name*

Available for interview

- Zana Bytheway, Executive Director, JobWatch

Contact

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About JobWatch

JobWatch is an independent, not-for-profit employment rights community legal centre. We operate out of Victoria and provide assistance to Victorian, Queensland and Tasmanian workers about their rights at work. Some of our functions include:

- A free and confidential Telephone Information Service for Victorian, Queensland and Tasmanian workers.
- Community legal education, including training, seminars and the production of a variety of publications on employment law and workers' rights.
- Representation and assistance for disadvantaged workers through a legal casework practice.
- Campaign and law reform activity with a view to promoting workplace justice and equity for all workers.

For more information: www.jobwatch.org.au
