



SIZA[®]

SUSTAINABLE AGRICULTURE IN SOUTH AFRICA

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GUIDE TO AGRI-WORKER ACCOMMODATION IN AGRICULTURE

SOUTH AFRICA

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Everything included in this guide in blue or white is based on legislation and forms part of the SIZA requirements,

whilst everything in green is Best Practice and cannot relate into a finding during an audit.



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1. INTRODUCTION

The SIZA programme has been designed to ensure Ethical Trade and Environmental compliance from all suppliers in the South African agricultural industry. The goal is to have a commitment to continuous improvement of labour and environmental conditions on all farms, in a practical and comprehensive manner which has the potential to benefit businesses and positively impact hundreds of thousands of employees. As part of the improvement process, all SIZA members must comply with South African legislation at all times, while planning for continuous improvement of living conditions on farms in South Africa.

Unlike most other countries, the provision of accommodation for permanent and seasonal employees is a common phenomenon on South African farms, even though there is no legal requirement to do so. While the standard of accommodation on some farms is often criticised, it is recognised that there are many grey areas regarding standards for buildings on farms. It is acknowledged that the South African National Building Regulations govern the construction of new buildings and the alteration of existing buildings, and therefore reference to these Regulations has been included in this document for guidance purposes. Some additional background information regarding the regulations is provided where it is deemed necessary.

This document is a guideline on accommodation on farms and has been developed as a useful resource for producers. It also provides a checklist that will be used to do an assessment of the housing and accommodation facilities during an audit.

When drawing up this guide, the challenges were seriously considered, and a fair compromise remains the ideal. Some legal requirements are difficult to enforce. It is acknowledged, for example, that empty chemical containers and their re-use are extremely difficult to manage. It is also understood that there are strong cultural and belief systems which the law does not take into consideration, and which should be respected. Complying with minimum legal requirements is often neither conducive to progress nor appropriate. Therefore, many best practice recommendations and examples are included to guide farms. The cost of housing and maintenance is also an important consideration, which this guide acknowledges.





SECTION A: LEGAL FRAMEWORK

1. Legal References

The legal framework for employee accommodation on farms in South Africa is not governed by one specific Act. Specific aspects of many laws apply (see annexure C). Often, a business is in an uncomfortable position where principles and recommendations rather than clear standards have to be applied. There is much room for interpretation and there are very few court cases to clarify application.

The building regulations for farms are particularly complex. In the year 2000 the “Spatial Planning Land Use Act” determined that all buildings (including those on farms) fall within the jurisdiction of a municipality. According to this law, all municipal land is zoned, and the zoning determines the type of building that can be erected. It requires that all new buildings have a zoning certificate, approved building plans and certificate of occupation. This act gives municipal by-laws and local regulations considerable power. This means that some standards in different municipal areas and in different zones can differ, which makes it impossible to draw up a set of detailed requirements that applies to all farms. Some buildings that were erected prior to the Spatial Planning Land Use Act do not necessarily have the approved plans and COC in place. Although not a formal audit requirement for SIZA social audits, applying the above-mentioned process at a local level can assist farms. Where the infrastructure exists, it is recommended.

SANS (South African National Standards) and the building regulations related to it, determines the detailed standards applicable to accommodation. The “category of occupancy” is important in determining what regulations apply to a building. If e.g., a hostel is a H2 category of occupancy i.e., a dormitory (which all farm hostels were before the year 2000), it will have different kitchen and fire safety requirements to e.g., a H3 or H4 category of occupancy. To understand SANS, one needs to look holistically at a building. Picking and choosing individual regulations and applying them out of context is a dangerous activity and a risk that these guidelines cannot condone.

There are many aspects to the obligations of the farm as landlord/provider of accommodation, which are not clearly spelt out by law. There are grey areas regarding whether or not a person living on a farm is regarded as living in a workplace and which legal requirements, especially for health and safety, are applicable. When any legal aspect is unclear, potential risk is considered and a recommendation is included as a guideline, not a standard.

The aim of this guide is not to rewrite laws, but to do everything possible to assist everyone to be safe from the risks attached to accommodation by offering a useful, applicable document. The immense value of farm accommodation is acknowledged. Businesses offering accommodation face additional challenges. The frequent lack of legal clarity exacerbates the problem, which is why this guide offers many guidelines which can assist continuous improvement, rather than requirements that tick boxes. It also enables a broad spectrum of applications by using unique farm procedures and risks analysis as foundational documents.

The welfare and safety of people living in the accommodation is always the guiding principle and the ethical stand this guide supports.

The majority of this guideline is comprised by legal requirements, but the guideline also contains some best practice recommendations which can serve as a guideline to producers and agri-businesses.



1.1. Guide to Extension of Security of Tenure Act (ESTA)

Legal Requirement: Application of ESTA in its entirety

Reference: *The Extension of Security Tenure Act (ESTA) (2007)*

ESTA was introduced in 1997 with the goal and principle aim to:

- provide measures to facilitate long-term security of land tenure for the individuals living on land zoned for agricultural purposes;
- in general, regulate the conditions of residence on farms;
- prescribe the circumstances under which persons, whose right of residence has been terminated, may be evicted; and
- matters associated therewith.

Only the individual who received permission to live in a dwelling on the farm, defined as the Occupier, enjoys the principle protection of ESTA although the people living with the Occupier also enjoy a measure of protection through their association with him or her. The following main responsibilities rest on the Occupier:

- the Occupier must respect the rights of the Owner;
- may not harm or threaten any other person occupying the farm;
- or cause material damage to the property of the Owner;
- and must prevent visitors from causing damage, and generally comply with the terms of any reasonable agreement regulating the housing on the farm ("the Housing Agreement").

If Occupiers do not comply with these provisions of ESTA or the Housing Agreement, their right of residence may be terminated which may in turn lead to their eviction in terms of a court order without necessarily being obliged to provide alternative accommodation.

Balanced against these responsibilities, the Occupier in general, has the following rights to:

- Receive visitors subject to reasonable conditions set by the owner (or person in charge), such as times of visits, gates through which visitors may enter, access roads, etc. The Occupier can be held liable for any damages caused by their visitors, if they could have taken reasonable steps to prevent the damage occurring.
- Receive postal or other communication.
- Family life in accordance with the culture of that family. For example, if Jan is an Occupier, he will in terms of this right be entitled to have his wife and children reside with him, this being generally in accordance with the culture of his family. In addition, this right could give Jan the right to have other members of family such as parents and other extended family members living in the house with him.

Guidelines on who can or cannot stay with the Occupier in the provided accommodation, taking into account the general principles described above, should be contained in the Housing Agreement which should be signed and agreed to before the person is employed and granted access to the residence. In order to prevent overcrowding, reasonable conditions relating to maximum numbers of individuals occupying the premises may be set out in the Housing Agreement. Any agreement entered into will however always remain subject to the provisions of ESTA.

- Access to basic services, such as electricity and sanitation if this was agreed on with the owner or person in charge when they arrived on the farm.
- Not be denied or deprived of access to water.
- Not to be denied access to health and education services.



1.1.1. Long Term Occupiers

Apart from the general rights to security of tenure provided to Occupiers, ESTA acknowledges that certain classes of Occupiers, also known as so called “Long Term Occupiers” require extra protection. If an Occupier has lived on the land for 10 years or more and is older than 60 years or has become disabled while employed by the owner, then he/she can stay on that land until the death of the Long Term Occupier, on condition that such Occupier and the people occupying the property with him comply with the general rules applicable to ESTA or the Housing Agreement. On the death of the Long-Term Occupier, the owner would be entitled to provide the remaining Occupiers with 12 months’ notice to vacate the premises. If, for example, the Occupier, or those occupying through him/ her, behaves in a way that threatens the owner or damages the property, or if he/she commits a major breach of the agreement between the owner and themselves, it would entitle the owner to terminate the right to residence earlier.



1.1.2. Evictions in Terms of ESTA

A termination of residence and the resulting request for an eviction order can be fair if it is found that the Occupier committed a serious offence, was dismissed fairly or resigned (in terms of the Labour Relations Act) and/or refused to comply with the provisions of the Housing Agreement.

Where the termination of residence was fair, the owner must then follow certain legal requirements in order to obtain an eviction order, for example, by providing the required two months’ notice in writing to the Occupier, to the local authority, and to the Department of Rural Development and Land Reform. However, if the Occupier refuses to leave, the owner must get a court order to enforce the eviction. If the Occupier disputes the eviction, then the reasons for this must be raised in the court. All the eviction orders granted in the magistrate’s courts are referred to the Land Claims Court for the automatic review of the decision before it can be enforced.





SECTION B: MANAGEMENT SYSTEMS

2. Types of Employee Accommodation

There are various types of accommodation provided on farms. The majority of farms in South Africa have accommodation that will fit the definition below- or even a combination of types. This guideline outlines requirements for four specific types of employee accommodation. The definitions provided are aimed at broadly defining the different types of employee accommodation normally provided to employees on farms.

Type of Employee Accommodation	Description	Example of Occupancy	Permissible Deductions *
Family Accommodation	Family accommodation includes any house at least 30m² in size consisting of multiple rooms including a kitchen, bedroom(s) and/or living room. This type is normally provided specifically for the accommodation of an employee and his family. It is also normally provided to permanently employed employees.	The house is normally provided to an employee who is the principle occupant (head of house). The house is occupied by the employee and his/her close family. The house can be occupied by any other person as agreed to by the company and the employee. It is recommended that name(s) of such person(s) should be stipulated as an occupant in the employee's housing agreement.	Maximum 10% deduction from principal occupant's (head of house) wages.
Single Room	Single room includes any room at least 5m² in size which is provided specifically. for the accommodation of a single person. The room is not intended to be occupied by more than one person and the room is not part of a communal housing facility.	The room is normally provided to a single employee. No other person can live in the room except the employee.	Maximum 10% deduction from the employee's wages. This 10% may only be deducted as per Sectoral Determination 13 (8) 3.
Communal House	Communal house accommodation includes any house at least 30m² in size consisting of multiple rooms including a kitchen, bedrooms and family room which is provided to two or more employees not normally related to each other. This is normally accommodation provided to employees for shorter periods or during the season.	The house is normally provided for two or more employees. The employees are not normally related to each other. Each employee should be provided with a separate housing agreement.	Where more than two workers live in a communal house, the maximum deduction that the employer may make in total in respect of all the agri- workers who live in that accommodation is 25% of the applicable minimum wage payable to an individual agri- worker. For example, if the current minimum wage is R3 639.80 per month, where 3 employees are living in communal accommodation, the maximum amount that can be charged will be 25% of R3 639.80 divided by 3 employees, which equals R303.32 per employee per month. $(R3\ 639.80 \times 25\%) / 3 = R303.32$



Type of Employee Accommodation	Description	Example of Occupancy	Permissible Deductions *
Communal Hostel	Communal hostel accommodation is specifically designed and constructed to provide accommodation to numerous employees who normally share cooking areas, toilets and ablution facilities. The space provided to any one individual is at least 5m ² in size. For SANS purposes this is usually regarded as H2 (Table 2, A21). It is normally accommodation provided to employees for shorter periods or during the season.	Communal hostel accommodation is normally provided to a group(s) of employees. The employees are not normally related to each other.	Where more than two workers live in communal hostels, the maximum deduction that the employer may make in total in respect of all the agri- workers who live in that accommodation is 25% of the applicable minimum wage payable to an individual agri- worker. For example, if the current minimum wage is R3 639.80 per month, where 10 employees are living in communal accommodation, the maximum amount that can be charged will be 25% of R3 639.80 divided by 10 employees, which equals R90.99 per employee per month. $(R3\ 639.80 \times 25\%) / 10 = R90.99$ It is important to note that the number is the total number of employees that share the hostel and not per room. Maximum 10% deduction from the employee's wages. This 10% may only be deducted as per Sectoral Determination 13 (8) 3.
Dwelling Unit	This is a building containing units or a freestanding unit which can include individual cooking and bathroom facilities. (Compared to a bachelor flat or studio apartment). It can offer more permanent accommodation than a hostel and is typically built for two people rather than a family. It may be regarded as H3 (or H2) for SANS purposes, depending on details of the design and building inspector discretion.	A unit is usually occupied by two people who may well be related.	Maximum 10% deduction from the employee's wages. This 10% may only be deducted as per Sectoral Determination 13 (8) 3.

* Any deductions made from employee wages for accommodation have to comply with the requirements as stipulated in Sectorial Determination 13: Farm Worker Sector, Section 8 (3)



3. Housing Policy

Legal Requirement: A written and signed document explaining the terms of occupancy.

The housing policy gives organisational direction regarding employee accommodation. The accommodation policy establishes boundaries, guidelines and best practices in your organisation related to employee accommodation. It will further support the objectives, processes and programs necessary to effectively manage all aspects of employee accommodation, particularly the administration and maintenance. It is important that the housing policy clearly defines management's objectives regarding the allocation of accommodation to employees, maintenance activities and the health and safety of all occupants.

The accommodation policy may for example include the following:

- Commitment to provide employee accommodation in a prescribed and legal manner
- Commitment to provide employee accommodation that is safe and hygienic without risk to the wellness of occupants
- Guidelines on the maintenance and repair activities that management commits to
- Definition of the different types of accommodation provided to employees, and intended duration of stay e.g., seasonal/temporary housing
- Definition of the deductions made to employees' wages for accommodation
- Description of the employee conduct and responsibilities required with regards to employee accommodation.

Example checklist to test your business:

- ☐ Do you have a documented housing policy?
- ☐ Is the housing policy comprehensive and concise?
- ☐ Does the policy commit to providing safe and hygienic living conditions?
- ☐ Is the housing policy communicated to employees?
- ☐ Are deductions for housing in line with the housing policy?
- ☐ Has the housing policy recently been reviewed and is it in line with practice?

It is recommended that the accommodation policy be:

- ☐ Documented
- ☐ Authorised by senior management
- ☐ Accessible to employees
- ☐ Communicated to occupants in a language they can understand
- ☐ Reviewed annually by management reviewed and is it in line with practice?

The agreement may be part of the employee's employment contract or it may be a separate document which outlines the terms and conditions of occupancy. It is important that the two documents cross- reference one another. For instance, notice or termination of employment must also imply a 30-day notice to vacate housing. Housing agreements should specify all persons that are legally allowed to stay in the house. There should be specific reference to the spouse that is bound by the housing contract. It is important to ensure that the housing agreement includes all the terms and conditions and refers to all parties in terms of rights and responsibilities.

The employee must understand the contents of the housing agreement, his/her duties and responsibilities under the agreement, and the conditions related to the termination of the housing agreement. Accommodation arrangements should also be communicated to employees before the employment period starts, especially in cases where employees are transported over distances to work on farms. The housing agreement should be signed by both parties.

See attached Annexure A for example of housing agreement.



Useful outline for an accommodation policy/agreement document:

- ☐ Details of Employer
- ☐ Details of Employee
- ☐ Identification number of Occupant of head of house (Principal Occupant in the case of family accommodation).
In the case of a single person, it could also be a female: NOTE – this is important in some cultures a woman is not regarded as the head of house.
- ☐ Commencement date
- ☐ Termination date if applicable
- ☐ Names of all occupants (in the case of family accommodation)
- ☐ Occupants rights (in terms of ESTA)
- ☐ Responsibilities of Occupants
- ☐ Rights and Responsibilities of employer (as owner of the property)
- ☐ Accommodation rules, terms and conditions
- ☐ Arrangements related to termination of employment

Example checklist to test your business:

- ☐ Do you have a documented housing policy?
- ☐ Is the housing policy comprehensive and concise?
- ☐ Does the policy commit to providing safe and hygienic living conditions?
- ☐ Is the housing policy communicated to employees?
- ☐ Are deductions for housing in line with the housing policy?
- ☐ Has the housing policy recently been reviewed and is it in line with practice?





4. Procedures

Legal Requirement: A written procedure document and agreement

Procedures explain clear steps that are to be taken during certain activities. Typical procedures that are related to farm accommodation may include:

Emergency Procedures

This may include emergencies related to illness, fire, theft, acts of nature etc.

Emergency Procedures should be communicated to occupants to ensure that all occupants are aware of the required actions if an emergency may occur.

Recommended Best Practice:

In support of the communication, which is a legal requirement, it is advised as best practice, that producers include their health and safety representatives, supervisor, head of households or any other staff-member that can assist during emergency situations. This is a valuable method of ensuring risks are mitigated in emergency situations if the relevant people have the knowledge and skill to assist.

Maintenance Procedures

Maintenance procedures give guidance with regards to responsibilities and frequency of maintenance. Normally, reporting structures are also included in the procedures to ensure that occupants know the steps to take to report faults or defects at houses. Clear steps for planned and unplanned maintenance are included.

Recommended Best Practice:

When referring to maintenance and general upkeep of buildings, it is crucial to ensure that the occupants understand the shared responsibility that rests with them as well. Maintaining a building, room, house or any other living facility cannot only be one-sided. Management should communicate the responsibilities to occupants regularly, either verbally during meetings, but preferably also ensure it is contained in the housing agreement or rules of accommodation as part of a policy. Examples of this can include the occupant's responsibility to report any breakages as soon as they happen, ensuring that the occupant does not break or damage the property, acknowledges responsibility to maintain cleanliness and hygiene in the facility, etc.

Communication Procedures

This procedure aims to ensure adequate two-way communication between management and occupants. Various channels are available. This procedure should also indicate what training will be given to employees e.g., induction.

Cleaning Procedures

This procedure aims to give clear indication of roles and responsibilities related to cleaning activities. Frequency of activities should also be indicated to ensure that adequate cleaning and waste management is in place.



Grievance Procedures

The company's grievance procedure should be used to deal with grievances related to accommodation.

Disciplinary Procedures

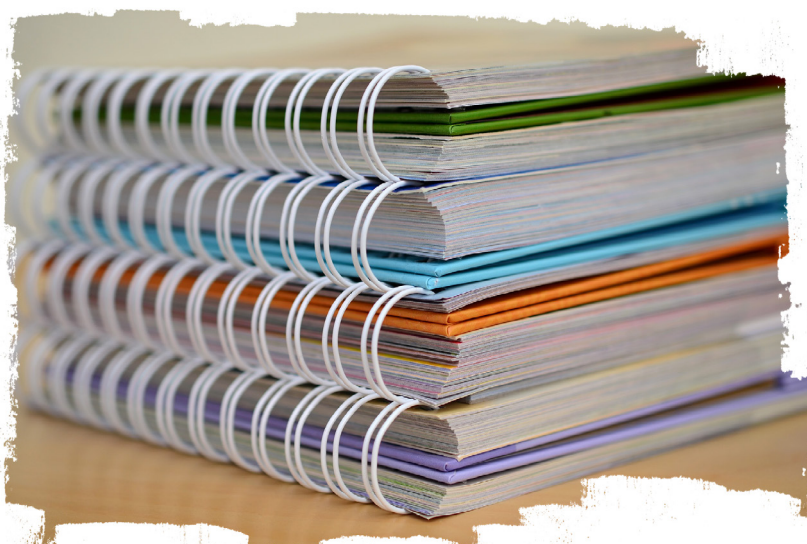
The company's disciplinary procedure should be used to deal with breaches of the Housing Agreement.

Conflict Procedures

The farm committee should be responsible for dealing with conflict between people living and working on the site. In support to the committee, the company's grievance procedure should be used to deal with any grievances arising out of conflict between residents.

Example checklist to test your business:

- ☐ Do you have procedures related to workers accommodation?
- ☐ Do the emergency procedures cover all risks identified in the health and safety risk assessment?
- ☐ Are the procedures communicated/displayed to employees?
- ☐ Do you have a documented maintenance procedure that stipulates the process to report defects?
- ☐ Do workers know how to report structural defects at the accommodation?
- ☐ Is there documented evidence of housekeeping at workers houses?
- ☐ Do procedures cover grievances/complaints from workers?
- ☐ Does the disciplinary code of conduct deal with issues related to workers accommodation?





5. Deduction for Employee Accommodation

Legal Requirement: Deductions must comply with Sectoral Determination 13

Refer to Section 8 (1) (2) (3) (4) (5) and (6) of the Sectoral Determination 13: Farm Worker Sector

The law permits the employer to make deductions from an employee's wages for the provision of housing. Sectoral Determination 13: Farm Worker Sector clearly stipulates all the requirements which the employer must meet to ensure that deductions made from the employee's wages are legal.

Basic requirements:

- An employer is not allowed to make a deduction exceeding 10% of the employee's gross wage for accommodation in the case of family and single room accommodation.
- In the case where more than two workers live in communal accommodation or single workers share facilities, the maximum deduction that the employer may make in total in respect of all the agri-workers who live in that accommodation is 25% of the applicable minimum wage payable to an individual agri-worker. The employer must divide the maximum of 25% deduction into the number of employees living in the accommodation.
- The accommodation must be provided free of charge, meaning that the employee does not pay rent for the accommodation (due to the fact that deduction is already being made for the benefit).
- The accommodation must be provided on a consistent and regular basis as a condition of employment, meaning that the accommodation provided to the employee will be considered their physical address during the period of employment.
- The employer is not allowed to make deductions for electricity, water or other services. Although the employer is not allowed to make deductions for electricity, employees may purchase electricity from the employer if pre-paid facilities are available on the farm. Employers are not allowed to sell electricity for a profit. In cases where no deduction is made for the accommodation, the employer may make a deduction for the electricity consumed.
- Employers may not make deductions for accommodation from any employee under the age of 18.
- Deduction for accommodation must be recorded on the employee's payslip.

Example checklist to test your business:

- ☐ Before you make deductions, does the housing comply with the following conditions?
- ☐ Roof of the accommodation must be durable and waterproof.
- ☐ The accommodation must have glass windows that can open.
- ☐ Electricity is available inside the accommodation if the infrastructure exists on the farm.
- ☐ Safe drinking water is available inside the house or in close proximity, which is not more than 100m, from the house.
- ☐ Flush toilet or pit latrine must be available in, or in close proximity, to the house.
- ☐ Accommodation should not be less than 30 square meters in size.



Where current employee accommodation does not meet the criteria above and deductions are made from employee's wages for the provision of accommodation, it is recommended that the employer stop making deductions from employees' wages until such time that the accommodation can be improved in order to meet the requirements regarding deductions. A written housing maintenance plan which includes areas for improvement, timelines and responsibilities is recommended.

It is important that the amount which will be deducted from the employee's wages is stipulated in the employment contract, as this deduction is considered part of his terms of employment, and such deductions must be agreed to by the employee.

In the case where spouses/partners are both employed by the same employer, the employer is not allowed to split the 10% deduction e.g., 5% is deducted from the wife and 5% is deducted from the husband's wages for the provision of accommodation. In this case the employer must have a housing agreement in place with either the husband or the wife, which will be considered the principal occupant (and) with whom the employer will have the agreement and from whom the 10% deduction will be made.

**ACCOMMODATION AS (AN EXCHANGE FOR) PAYMENT:* Accommodation cannot be provided as payment for work. This includes the requirement for spouses/partners to work (for example, during harvest) to secure accommodation.





6. Health and Safety Systems

Legal Requirement: A risk assessment + proof of its application

It is the responsibility of the employer to ensure that health and safety management systems are developed and implemented to ensure the safety and wellbeing of all housing occupants. The employer should provide adequate resources to endeavour to keep all facilities in a good condition and health and safety systems in place which will ensure the safety and health of all housing occupants. Best Practice Recommendation is to include a risk assessment specific for accommodation in your business + proof of its application.

The following form part of the employer's health and safety management system for employee accommodation:

6.1. Accommodation Health and Safety Risk Assessment

Conducting a Health and Safety Risk Assessment at all housing facilities is the first and most important step towards ensuring the health and safety of all housing occupants. It is important that the employer assess all hazards at housing facilities which have the potential to cause risk to the health and safety of occupants. Through identifying the hazards, the employer will be able to identify, plan and implement remedial actions which will mitigate or reduce the risk of injuries or negative health effects to housing occupants. The following are examples of hazards that may occur at housing facilities:

- The location of housing facilities may pose a risk to the health and safety of occupants if it is located close to production units, dams, canals and rivers. For example, the spraying of chemicals near housing facilities may pose a major risk to the health of occupants.
- Structural damage to housing facilities may severely injure or even cause death to occupants due to structural collapse.
- Materials containing Asbestos such as roof panels which are not in good condition can cause adverse health effects.
- No drainage, or insufficient drainage systems, can lead to stagnant water and exposed sewage, which can lead to adverse health effects.
- Poor ventilation, insulation and lighting in the houses.
- Contaminated drinking water can cause various health problems such as cholera, giardia, and typhoid (disease).
- Poor waste management may lead to pest infestations.
- Open manholes can cause severe injury or death to occupants, especially children.
- Substandard electrical installations or open electrical distribution boxes may cause electrocution.
- Unsafe cooking practices, such as occupants not cooking in designated cooking areas, can cause fire. Not providing adequate firefighting equipment may lead to more severe consequences in the event of a fire.
- Unhygienic toilet and shower facilities may result in various health effects.
- Insufficient space in the units which may lead to overcrowded living areas.
- No access to emergency services including contact details, first aid, fire prevention and firefighting equipment.

For more information regarding the development of a Health and Safety Risk Assessment, refer to the SIZA Health and Safety Guideline.



6.1.1. Seasonal Labour / Temporary Accommodation

Sometimes one of the challenges of accommodation on farms lies with temporary employees or seasonal labour who often utilise facilities only for a short period of time. The challenges pertain to breakages of windows or doors, and results in damages not being deducted from the responsible party, due to the temporary employee already leaving or the contract being ended. This results in a cycle of additional costs being allocated to repair facilities which might not have been part of the ongoing maintenance plan or budget at that time.

Best Practice Recommendation:

In order to mitigate this risk or manage it more proactively, it is recommended as a best practice that management conduct the facility inspection prior to the employees moving out and follow a fair process in determining whether any damages should be deducted. It is also recommended that management clearly communicate the rules around damages and loss very explicitly beforehand to ensure occupants understand their duty and shared responsibility to maintain the property provided for accommodation.

Example checklist to test your business:

- ☐ Do you have a documented risk assessment?
- ☐ Does the risk assessment cover all related risks?
 - Structure
 - Asbestos
 - Ventilation
 - Drainage
 - Sewage
 - Lighting
 - Waste
 - Manholes
 - Electrical installations
 - Cooking areas
 - Toilet facilities
 - Washing facilities
- ☐ Has the risk assessment been reviewed in the last 12 months?
- ☐ Does the risk assessment cover all types of accommodation?
- ☐ Does the risk assessment take regular inspections into account?



6.2. Emergency / First Aid / Accident and Incident Reporting

The type of injury/accident prevention and reporting procedures that must be present at the housing facilities will be determined by the health and safety risk assessment. It is important that all housing occupants are familiar with these procedures, and it is recommended that all occupants are informed of these procedures. It could be a best practice to have these instructions displayed at the living areas.

Useful Examples

- Emergency telephone numbers (e.g., Police, Ambulance, Hospital, Doctor, on-site emergency contact person's telephone number)
- Fire and Emergency Response Procedure (outlining what housing occupants must do in the event of a fire or other emergencies)
- Incident Reporting Procedure (how and to whom incidents must be reported)
- Emergency First Aid Procedures (how first aid should be performed)
- Cardiopulmonary Resuscitation Procedures (how to perform CPR)
- Emergency Evacuation Procedure (how emergency evacuations must be carried out).

Example checklist to test your business:

- ☐ Do workers have a representative that carries the responsibility of an accommodation portfolio?
- ☐ Have workers been informed about the communication process related to farm accommodation?
- ☐ Is there a dedicated manager responsible for workers accommodation?
- ☐ Have workers been informed/ made aware on issues related to accommodation?

6.3. First Aid Recommendations as Best Practice

It is important to ensure that first aid treatment is accessible to all housing occupants at all times within reasonable distance. Depending on farm size and access to town facilities, the employer should ensure access or that first aid equipment is available and that at least one permanent and designated first aider is available at the housing facilities. First aid equipment should be accessible to all housing occupants, and the location of first aid equipment must be indicated by means of first aid signage. Ensure that regular checks are conducted by the appointed first aider on the first aid equipment to ensure adequate first aid equipment is always readily available.



6.4. Monitoring Activities

The Health and Safety Risk Assessment should stipulate what activities form part of a First aid kit monitoring program. It is important that the employer designate the responsibility of carrying out monitoring activities to a person with basic health and safety knowledge. In most cases this responsibility will be designated to a health and safety representative. The frequency of monitoring activities shall also be determined by the Health and Safety Risk Assessment. The aim of these monitoring activities is to support management in identifying risks but also to be proactive in addressing maintenance requirements at the accommodation.



7. Worker Representatives (related to accommodation)

Best practice recommendation: Worker representation for accommodation (housing committee):

It is recommended that the employer ensure that occupants are represented in decisions about the accommodation. It is important that management and occupants have a recognised channel of communication. A workers committee can be such a channel. The farm is legally required to have a representative committee at work; and it is a useful recommendation that a committee member represent housing. One or more elected worker representatives can specifically be tasked with the responsibilities related to accommodation (Accommodation Portfolio). In such cases occupants should be provided with the opportunity to democratically elect representatives, ideally, if possible, there should be both male and female representatives who will be responsible for raising matters related to employee accommodation with management.

Occupant representation is the requirement and alternatives to committees are acceptable, depending on the size and structure of the farm.

Communication between the employer and the accommodation representatives / inhabitants should be documented, and decisions made in connection with any accommodation-related matters should also be documented and communicated to occupants.

Example checklist to test your business:

- ☐ Do workers have a representative that carries the responsibility of an accommodation portfolio?
- ☐ Have workers been informed about the communication process related to farm accommodation?



8. Management Responsibility

It is recommended that in larger organisations a dedicated management representative is designated to take care of accommodation and management related activities. It will support the management, maintenance and continuous improvement activities of worker accommodations on farms.

Example checklist to test your business:

- ☐ Is there a dedicated responsible person (i.e., manager, supervisor, worker representative) who takes responsibility for the workers' accommodation?



9. Training

Best practice recommendation:

Occupants are made aware of risks and expectations at the accommodation (similar to the legal requirements at the workplace)

The law for the workplace requires that staff must receive basic health and safety training. Requirements for accommodation are less specific. It is thus recommended that employees identified for formal training at work are selected in such a way that their knowledge is available at the accommodation.

Employees that live in farm accommodation need to be made aware of risks and this may include:

- Health & Safety related to accommodation
- Hygiene
- Emergency procedures e.g., fire response procedure
- Communication procedures

Useful Formal training may in some cases be needed as determined by the risk assessment, such as:

- Fire Fighting training
- First Aider training
- Evacuation procedures

Although formal training is not a legal requirement for accommodation on farms, it is a requirement that occupants are provided with the essential information to lower risks of anything that could be detrimental to someone's health or wellbeing in accordance with the Occupational Health and Safety Act.

Example checklist to test your business:

- ☐ Have workers been informed/made aware of issues related to accommodation?
- ☐ Has the business communicated the rules to the occupant regarding damages or loss?
- ☐ Has the business ensured that they have communicated the rules around when damages will be deducted following breakages?
- ☐ Has the business communicated the importance of hygiene and the risk unhygienic conditions can pose to the health of the occupant? (Shared responsibility to maintain and clean property).





SECTION C: SITE MANAGEMENT

10. Location

Legal Requirement: Proof that hazards from the workplace do not pose a risk to occupants/employees

Reference: SANS

Measures should be in place to protect employees and their families living on the farm from exposure to chemical sprays.

There must be a clearly visible access route to the living facilities for the purposes of firefighting and rescue.

It is important to have systems in place to ensure the sites around living facilities are clean and safe in order to avoid safety hazards and to protect employees from disease and illness. As part of the risk assessment areas which may be a risk to the health and safety of the residents should be identified. For example, where living facilities are close to production areas, there should be controls in place to minimise risk of exposure to chemical sprays.

Useful examples of risk reducing activities:

- a) A physical barrier between the production area and living area.
- b) A buffer zone between the living and production area.
- c) Informing residents when spraying will take place in the area.
- d) Designing and constructing living facilities to minimise risk, for example, placing non-opening windows on the side facing the production site.
- e) Informing residents of the dangers of chemicals and of the plan of action when spraying takes place and/or provide access to medical assistance and health checks.
- f) Having access to medical assistance and health checks.



If you are considering establishing new accommodation facilities, it is recommended that you do a detailed site plan which is submitted for approval with the building plans with the relevant local/municipal authority.

Example checklist to test your business:

- ☐ Are there adequate buffer zones between the accommodation and production facilities?
- ☐ Are measures in place to protect employees and their families living in the accommodation from exposure to chemical sprays?
- ☐ Is there a clearly visible access route to the accommodation area for purposes of firefighting and rescue?
- ☐ In case of family accommodation/ single rooms where deductions are made from employees' wages for accommodation, this does not exceed 10% of the primary employee's wage and electricity is provided free of charge.



11. General Conditions

Accommodation provided to employees as part of their employment contract must be fit for purpose.

Fit for purpose means (of an institution, facility, etc.) “well equipped or well suited for its designated role or purpose” or simply “good enough to do the job it was designed to do”. In other words, accommodation should provide for the basic needs of the inhabitants. This is a general principle applied here by two legal applications.

11.1. Sectoral Determination 13 (SD13)

The Sectoral Determination 13 for Farmworkers (Section 8) prescribes specific minimum housing requirements for employers if deductions for accommodation are made from Agri-workers' wages.

These include:

- A roof that is durable and waterproof
- Glass windows that can be opened
- Electricity inside the house if the infrastructure exists on the farm
- Safe water available inside the house or close to the house (not more than 100 meters from the house)
- A flush toilet or pit latrine is in or in close proximity to the house
- The house must not be less than 30 m² in size.

11.2. South African National Standards (SANS)

SANS offers many detailed recommendations and requirements. Some examples of SANS requirements:

- A ceiling unless there is no need for this because of the design and construction of the roof, for example, a thatched roof or pitched roof with exposed beams, etc.
- Doors
- The building should be weatherproof, which means it should be able to protect residents from wind, rain, rising damp, etc.
- A finished floor surface (guidance: suitable flooring that can easily be kept clean and is durable)

11.3. General Recommendations

It remains management's responsibility to monitor the general state of the accommodation. This can be aided by using the disciplines explained thus far e.g., procedures, risk analysis, worker representation.

There must be adequate space for employees living in communal rooms. This should be an average of 5 square meters per person (as prescribed by SANS 10400, Section A21, Table 2) and the ceiling must be a minimum height of 2.40 meters in a habitable room. Besides these minimum requirements “adequate space” is a subjective term determined “in the opinion of any local authority”. It is an important term because a building inspectorate can for example approve cooking in a dormitory room, if they decide there is adequate space. (Consult with the Department of Employment Labour to ensure that the principle of ‘adequate space’ is provided for or have building plans approved. The guide should be that the space allocated should not be a risk to the health, safety and well-being of the residents. Reference: South African National Building Regulations and Building standards Act, No 103 of 1977; Section A21)

Example checklist to test your business:

- ☐ Are living facilities built with suitable materials and are the facilities structurally sound?
- ☐ Housing must be safe and hygienic.



12. Facilities

12.1. Sleeping Arrangements

12.1.1. Beds and Mattresses

There must be a sufficient number of beds for employees living in communal rooms. There should be a separate bed and mattress for each employee where the mattress is provided free of charge. If employees are required to pay for the mattress, the mattress then becomes the employee's property.



12.1.2. Floor space for number of beds

There must be enough floor space for the number of beds/mattresses required. The legal minimum floor space is 5 m² per person. A permanent dwelling house is a minimum of 30 m² (unless it is a category 1 house). The ceiling height must be at least 2.4m.

12.2. Storage Facilities

It is a recommendation that every employee should have a personal facility for safekeeping where clothes or other personal items can be kept safely and in a good condition.

12.3. Toilet and Washing Facilities

Adequate facilities are a legal requirement. Adequate toilet and washing facilities should be provided so that employees can maintain a good standard of personal hygiene but also to prevent contamination and the spread of diseases.

12.3.1. Toilets

Reference: SANS 10400 – Part P; Section 4.11 – Table 5.

For communal toilets the building regulations require one toilet per eight males and two toilets per eight females as a start, and then you apply a sliding scale for numbers greater than 8. Toilets in dwelling units are 1 per unit. In communal areas separate male and female toilets are recommended.

Flush toilets are recommended, but in some cases pit latrines will also be accepted, if they are well-kept and in good hygienic condition.



Toilets should not pose a risk and therefore the following facilities are recommended:

- A roof that does not leak and a door that closes
- Adequate ventilation - windows or other acceptable means of ventilation in the toilet
- Partitioning to ensure privacy (consider locks for privacy and safety)
- Adequate natural or artificial lighting
- Easy access and in the case of outside toilets they should not be located more than 60 meters from the living facility
- Appropriate chemicals for pit toilets to promote decomposition
- Hand washing facility near to the toilet



12.3.2. Shower and Bathrooms

Reference: SANS 10400 – Part P; Section 4.11 – Table 5. Facility Regulation 1593.

In the case of communal accommodation one bath/shower per eight people living in the facility and 1 basin is the SANS requirement. Reference: SANS 10400 – Part P; Section 4.11 – Table 5. One facility per dwelling unit is required otherwise differences may result in different needs or application of these standards. Some people might prefer to not use a traditional shower or bathtub, and in such cases, employers should attempt (to the best of their ability) to allow employees fair alternatives, such as washbasins (commonly known as “waskomme”). The employee’s dignity should at all times be considered and protected.

It is recommended that bathrooms be separated by gender and clearly marked according to gender, and although not a specific legal requirement, the business should protect the safety and dignity of all its employees. For further legal guidance, refer to reference: SANS 10400 – Part P; Facility Regulation 1593.

Shower and/or bath facilities should be kept clean and hygienic, in good working order and managed according to the procedures and risk assessment of the farm. This should include running water.

SANS recommends sanitary and toilet facilities should include all of the following: toilets, urinals, washbasins and showers/baths. There is however room for negotiation provided facilities are fit for purpose and adequate.

Facilities should be constructed of materials that can easily be cleaned and is durable. It is recommended that facilities provide for adequate privacy, including partitions and (lockable) doors is strongly recommended.

12.4. Cooking Facilities

Protection against fire risk is a legal requirement which stems from an employer’s general duty to protect all employees against health and safety hazards. Fire regulations are detailed and specific. When housing plans are evaluated or when occupancy certificates are considered, the fire risk carries huge weight. It is recommended that farms refer to Part T of SANS or involve the local fire inspector in their planning or building process.

Different types of buildings (categories of occupancy) deal with fire risks differently. A dormitory is designed for sleeping and does not usually provide the space or infrastructure for cooking. The fire risk of cooking in a dormitory is usually higher. A dwelling unit is built with a designated cooking area and a variety of structural fire prevention measures thus making cooking a safer activity in the unit. There is thus no universal rule preventing cooking in rooms. There are, however safety regulations preventing cooking in areas not designated for cooking. Besides spatial threats, the condition of stoves and accessories, as well as inappropriate electrical systems, are also fire risks and the farm is legally responsible for managing this risk.

12.4.1. Cooking Stoves

Stoves used for cooking must be in good working condition and the electrical connections must be safe. Cooking and cooking equipment has been identified as a major cause of domestic fires and therefore measures should be in place to minimise and manage risks associated with cooking.



12.4.2. Cooking Space

SANS 10400 Part T.

In standard dormitory accommodation where employees cook their own food, a designated space for cooking food with the following facilities, is required:

- It must be separate from the sleeping areas (Unless the dormitory is considerably bigger than the minimum requirements and a local authority has deemed the space adequate for cooking.)
- The size of the cooking facilities must match with the number of people living in the facility.
- Canteen/cooking facilities should be kept in a clean and sanitary condition according to the farm housing policy.
- Residents can cook on open fires as long as it takes place in a designated area.

It is understood that it is sometimes common practice for cooking to take place in the living area, but this should be discouraged, and provisions should be made for designated cooking areas.

In accommodation designed as dwelling units:

- There must be a designated area for cooking
- The fire protection structures must comply with SANS fire protection regulations for this class of building
- The policy must stipulate that cooking can only take place in the designated area

It is important to note that in many cases cultural differences may result in different needs or application of these standards. Some people might prefer to cook in the room, regardless of the rules stipulating otherwise. The company must communicate the fire risk clearly to the employees and ensure adequate measures are in place for employees to have adequate alternative space available for cooking.

It is in the interest of the safety of residents as well as the legal liability of the farm owner. Also important is the type and condition of the cooking equipment which can have an influence on the risk level. The use of combustible fuel cooking appliances, for example, paraffin cookers, should be restricted to designated areas only. Ensure that sufficient and suitable fire extinguishers and/or sand buckets are available for adequately fighting fires. Training on firefighting equipment is crucial.

There should be adequate ventilation, particularly where combustible fuels are used, for example, LPG gas cookers, paraffin stoves etc.



12.4.3. Keeping the cooking facilities clean

The following procedures are recommended:

- Establish a cleaning procedure which identifies details such as who is responsible for cleaning the facility, how often this takes place, the process of cleaning, and so on.
- It is good practice to record the cleaning and maintain a register in order to establish accountability.
- Ensure that the housing agreement/policy clearly states the mutual responsibility of the occupant to also look after the property and ensure that it remains clear.



12.5. Laundry Facilities

It is recommended as a best practice that there are laundry facilities for residents in communal living areas to allow employees to wash their clothes.



13. Services and Standards

13.1. Insulation and Ventilation

The installation of proper ventilation is a legal requirement.

SANS Part O

The accommodation policy (and Housing Agreement signed by management and employees) should state who is responsible for repairing broken windows and/or paying for the repairs. Where windows are broken, it is recommended that these not be boarded closed as they are an important source of both light and ventilation.

Where employees use gas/paraffin burners, poor ventilation can be dangerous and threaten lives.

Although there are alternative materials available to substitute glass, for example clear Perspex, it is advisable to get approval from the Department of Employment and Labour before installing these alternatives, as the law requires glass to be used.

There must be sufficient insulation and ventilation. Here are some examples and applications:

- Windows must be made of glass, not be left broken and should be able to open and close.
- Doors in the living facility should be in good condition and able to close properly.
- Windows should not be sealed off in any way that stops ventilation, natural light or creates a fire risk.
- Material used to build the house should not be an extreme conductor of heat or cold (for example, steel containers), or get very hot or cold. If this is a problem, then steps should be taken to prevent the extreme conditions, for example, use foamalite lining or a wooden ceiling, and/or air extractors (often used in steel containers).
- Communal living areas should be ventilated, either by natural or mechanical means, in such a way that the air breathed by employees does not endanger their safety.

Example checklist to test your business:

- ☐ Are the living facilities adequately insulated and ventilated?
- ☐ Is enough natural and artificial lighting provided and maintained in living facilities?

13.2. Lighting as a Legal Requirement

SANS 10400: Part O (Lighting and Ventilation)

There should be natural and artificial lighting in living facilities, including communal living areas, which includes:

- Windows, which must provide sufficient natural lighting.
- Artificial lighting including in the toilet and shower areas.
- All sources of lighting must be in a safe working condition.



13.3. Water and Water Storage

Legal Requirement: Adequate potable water

SANS 241:2006

- There must always be an adequate supply of potable water available to employees at their living facilities. International standards recommend a minimum of at least 80 litres of water per person per day.
- Drinking water should meet the South African National Standard for drinking water and be regularly tested.
- Water tanks used for storage of drinking water must be constructed and adequately covered to prevent the water from becoming polluted or contaminated or allow for seepage from the soil into the tank.
- Disused chemical containers should not be re-used and should not be used at living facilities to store or collect water, or for drinking, cooking or washing, especially where running water is not readily available. It is therefore very important to develop a sound management system to prevent this situation.

13.3.1. Risk Assessment of Water

Management should conduct a risk assessment to determine the risk levels of the water available. Keep records of this and review it regularly or when there are significant changes. **The risk assessment should consider the following:**

- Windows, which must provide sufficient natural lighting
- Source of the water - for example, borehole or river
- Method of abstraction - for example, pumped through piping or gravity through canals
- Environment of source - for example, abstracting water from a river downstream from an informal settlement will increase the risk level when compared to abstracting water from a river in a remote area
- Storage of water - for example, closed tanks or open reservoir
- Presence of any filtration/purification systems
- Impacts of seasonality on water source - for example, rivers and streams in a summer rainfall area might need to be assessed more frequently during winter months when flow rates are lower.

Do a risk assessment to determine the risk levels of the water available. Keep records of this and review it regularly or when there are significant changes. The risk assessment should consider the following: windows, which must provide sufficient natural lighting.

Example checklist to test your business:

- ☐ Does the accommodation site have an adequate drainage system in place to avoid the accumulation of stagnant water?
- ☐ Are septic tanks and conservancy tanks adequately built to prevent leakage or spillage?



13.4. Waste

Legal Requirement: Effective wastewater management and waste removal

13.4.1. Drainage and Sewage

SANS10252:2004; - SANS 10400: Part P

(Waterborne sewerage) and Part Q (non- waterborne sewerage)

- Wastewater treatment, effluent discharge as well as solid waste treatment and disposal must comply with local effluent discharge standards. The waste disposal system should be designed to prevent contamination of any water bodies.
- Septic tanks and conservancy tanks should be constructed to prevent contamination of water supplies by leakage, spillage or from subsoil water.
- Drainage and sewage systems currently in place must be adequate and in good working order. In other words, there should be no visible leaks and/or standing water, no blocked drains/toilets/traps, etc.
- The presence of stagnant water around living facilities is a breeding ground for disease and is a health and safety risk.
- As part of the accommodation policy, staff should be informed of the proper use of the facilities provided.
- If you are building new facilities or upgrading existing ones, it could be useful to consult with your staff and find out the most acceptable type of facilities.

13.4.2. Wastewater

SANS 10400: Part P; SANS10252:2004

Wastewater, sewage, and other waste materials must be properly discharged with no major impact on people living at the facility, or on the environment or surrounding community.

13.4.3. Household Waste

National Environmental Management: Waste Act (2008), Part 2: section 16 and Part 5: section 21

- All accommodation areas must have containers for litter that is discarded by the residents.
- Litter must be removed before it becomes a nuisance, or causes a negative impact on the environment
- Waste must be managed in such a way that it does not endanger health or the environment or cause a nuisance through noise, smell, sight or dispersed by the wind.

Waste Collection: the number, size and type of waste bins should be determined by various factors including the number of residents living in accommodation, frequency of waste collection and where the bins are located (for example, preventing access by vermin, proximity to living/eating areas, etc.).

13.5. Manholes

Manholes must be covered and must not be a health and safety risk to people living in the area.



13.6. Pest Control

There must be adequate measures in place for protection from animals that carry diseases. Pests are a source of disease and sickness and therefore need to be controlled. The type and level of controls will differ from place to place, but factors such as the climate (for example, warm, humid coastal conditions or hot, dry, arid conditions), type and quantity of waste generated, waste storage and collection systems (for example, closed or open containers) should be considered when developing a pest control plan.

13.7. Asbestos

Legal Requirement: Limiting risks from asbestos (disposal, removal, monitoring)

(Occupational Health and Safety Act, 1993; National Building Regulations and Building Standards Act (1977), Art. 4, 10 and 14; - Asbestos Regulations – Regulation 155, Asbestos Abatement Regulations, 2020.

Asbestos used in existing living facilities must be in good condition and not damaged. There must be a register and written maintenance plan available for asbestos where it is used in employee living facilities.

- Identify all areas on the premises where asbestos is present, the condition of the asbestos, and areas that need attention. Mark the areas where asbestos is present on your site map and the condition using colour coding, for example:
 - Red = poor condition/needs immediate attention.
 - Orange = average condition/needs maintenance.
 - Green = good/acceptable condition; no immediate work required.
- Follow the regulations when handling asbestos. If you're unsure how to handle it, seek advice from authorised service providers.
- Include asbestos management in your Health and Safety risk assessment and develop a maintenance plan.
- Make sure your employees are aware of the risks linked to asbestos and that they understand your policy regarding the handling of asbestos.

The requirements around the disposal of asbestos are captured under Section 21 in the Asbestos Abatement Regulations. There are a couple of things one will need to take into account:

- Every business must have an asbestos register and include it in the risk assessment to ensure that any and all forms are detected and adequately monitored.
- Facilities must monitor the exposure to asbestos carefully and with attention to any possible exposure to its employees. The responsibility rests with management to implement effective policies and remedial actions to limit exposure in any way.
- The facility will need to develop a plan on how they would like to remove/reduce asbestos within their business. The business will then need to inform the Department of Employment and Labour (DEL) of this plan on reducing and removing asbestos. The removal/reduction of the asbestos must be done by an approved provider, as declared by the DEL for the particular year, i.e., Approved Inspection Authorities (AIA),
- The disposal of the asbestos can only occur at a site/area designated by the local authority, for example in the case of the Western Cape, it is the WC Department of Environmental Affairs and Development Planning. The approved AIA will be able to advise on whether the removal is also included in their service and can identify the adequate area/site.
- The site's plan should make provision for the extraction of asbestos and how employees will be protected in terms of PPE, restricted access, etc.

Example checklist to test your business:

- ☐ Where asbestos is used in living facilities, has management developed and implemented an asbestos maintenance plan?



13.8. Security

Security systems are not a legal responsibility, but risks that need to be managed. It is recommended that management should have a security policy and plan in place to ensure the security of employees and their property on the accommodation site, for example to protect residents against theft and attacks. The policy should outline residents' rights and responsibilities. Management must, as part of the risk analysis, decide on the most effective way of implementing a security plan. Examples include recruiting staff whose main responsibility is to provide security or entering into a service agreement with a company which provides a security service. The security plan must be part of the policy communicated to all occupants.

13.8.1. Security Staff

Although not a legal requirement, it is recommended that a code of conduct for security staff be drawn up with the farm to prevent risks in this regard. It could include the importance of respecting employees' rights and the rights of surrounding communities, for example, in relation to freedom of movement and searches (including body, bags, cars, etc.).

13.8.2. Concerns/Grievances

Use the company grievance procedure to deal with concerns relating to security arrangements and security staff. The details of the grievance procedure must be explained to the employees.

13.8.3. Visitors

It is important that housing agreements respect individual's freedom to movement whilst protecting the security. The agreement must address the rights and responsibilities of both parties related to visitors to occupants during non-working hours.



Example checklist to test your business:

- ☐ Is there a security plan in place to ensure the security of employees and their property at the accommodation site (including whether measures to protect employees against theft and attack been designed and implemented)?
- ☐ Are employees aware of their rights and responsibilities in terms of the security policy?
- ☐ Does the policy include employees' rights regarding freedom of movement and body and personal property searches?
- ☐ Are limitations on employees' freedom of movement risk reducing and justified?
- ☐ Can employees raise concerns about security through the company grievance policy?
- ☐ Are management and employees aware of the rights and responsibilities of residents and their visitors to farms and the living area?



SECTION D: ANNEXURES

Annexure A

[Housing Agreement Template - Permanent Residence](#)

Annexure B

[Single Quarters Accommodation Agreement Template](#)

Annexure C

Legal References

The following legislation was used in the development of this Accommodation Guidelines:

- Occupational Health and Safety Act (1993)
- Environmental Regulations for Workplaces, 1987: (2281)
- General Safety Regulations (1993)
- National Environmental Management: Waste Act (2008), Art. 21-23
- The Extension of Security Tenure Act (ESTA) (2007)
- Sectoral Determination: 13 Farm Worker Sector (2009)
- South Africa mining accommodation standards
- South African National Standards (SANS) and South African building regulations (Building Standards Act (1977).
- Asbestos Abatement Regulations (2020)

There is also reference in this Guide to international documents which can be used as a guide to best practice.

These include:

- Employees' accommodation: processes and standards. A guidance note by International Finance Corporation (IFC) and
- European Bank for Reconstruction and Development (EBRD). (2008):
- International Labour Organization, Employees Housing Recommendation (1961)
- SA 8000 Accommodation guidelines
- International Covenant on Economic, Social and Cultural Rights
- Guidelines for assessing site housing and accommodation.

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