

1963/79



**THE AGRICULTURAL WORKERS ACCOMMODATION
REGULATIONS 1963**

BERNARD FERGUSON, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 29th day of May 1963

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Agricultural Workers Act 1962, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

<p>Title</p> <p>1. Title and commencement</p> <p>2. Interpretation</p> <p style="text-align: center;">GENERAL PROVISIONS</p> <p>3. Access</p> <p>4. Site</p> <p>5. Flooring</p> <p>6. Walls and Ceilings</p> <p>7. Roof</p> <p>8. Cooking and dining facilities</p> <p>9. Sleeping Rooms</p> <p>10. Water for drinking and culinary purposes</p> <p>11. Washing facilities</p>	<p>12. Lighting</p> <p>13. Heating</p> <p>14. Ventilation</p> <p>15. Sanitary conveniences</p> <p>16. Clothing accommodation</p> <p>17. Disposal of refuse</p> <p style="text-align: center;">SPECIAL PROVISIONS</p> <p>18. Temporary accommodation</p> <p>19. Raspberry and hop workers</p> <p style="text-align: center;">MISCELLANEOUS PROVISIONS</p> <p>20. Maintenance</p> <p>21. Revocation</p>
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Agricultural Workers Accommodation Regulations 1963.

(2) These regulations shall come into force on the commencement of the Agricultural Workers Act 1962.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Agricultural Workers Act 1962:

“Accommodation” means the accommodation to be provided pursuant to section 9 of the Act; and “accommodated” has a corresponding meaning:

“Chief Inspector” means the Chief Inspector of Factories appointed under the Factories Act 1946.

GENERAL PROVISIONS

3. Access—The means of access and entrance to the accommodation shall be safe and convenient and shall be maintained in good order and condition by the employer.

4. Site—(1) All buildings used for the accommodation of agricultural workers shall be located on a site suitable for the purpose.

(2) The site shall be situated at a reasonable distance from any cow-yard, pigsty, killing pen, sheep dip, or any other building, yard, or enclosure where offensive and unhygienic conditions exist or are likely to occur.

(3) The site shall be well drained, sheltered as far as is practicable, and kept clear of all overgrowing vegetation.

5. Flooring—(1) The floor of every room in any building used for the accommodation of agricultural workers shall consist of close-clamped tongued-and-grooved flooring boards or other suitable material.

(2) There shall be a free ventilating space of not less than 6 in., or such other height as is specified in the bylaws of the appropriate local authority, between the underside of every joist, sleeper-plate, stringer, or bearer on which the floor is laid or supported and the surface of the ground.

(3) Adequate vents shall be provided to the underside of the flooring and all such openings shall be covered in such manner as will prevent the entry of animals and birds without unduly impeding ventilation.

(4) Subclauses (1) to (3) of this regulation shall not apply where the floor is of concrete laid on gravel or porous material and is waterproofed and finished with a suitable covering to the satisfaction of an Inspector.

6. Walls and Ceilings—(1) The walls and ceilings of every room forming part of any building used for the accommodation of agricultural workers shall be lined with a proper and suitable lining and shall be painted, varnished, papered, or finished in a workmanlike manner:

Provided that these requirements shall not apply to any room used primarily for the washing of clothes.

(2) All external walls shall be of sound materials and so constructed as to exclude wind and water.

7. Roof—(1) The roof of every building in which agricultural workers are accommodated shall be built of sound materials and so constructed as to exclude wind and water.

(2) The roof shall have sufficient pitch to enable rain water to run off it and provision shall be made to carry off that rainwater without causing dampness to the walls or foundations of the building.

(3) If the roof is covered with iron or other material that will cause condensation, it shall be adequately lined with suitable material.

8. Cooking and dining facilities—(1) Where the agricultural worker does not have his meals in the employer's dwellinghouse the employer shall provide suitable and adequate facilities to enable all workers to have their meals in reasonable comfort.

(2) Where meals are prepared and eaten in the accommodation there shall be in that accommodation—

- (a) Suitable appliances and utensils to enable meals to be prepared and cooked:
- (b) Sufficient space to enable the person preparing the meal to do so safely and efficiently:
- (c) A sink with an adequate supply of hot and cold water:
- (d) Sufficient cupboards and drawers to enable food and utensils to be stored in a dust-free and fly-proof condition:
- (e) A fly-proof safe, or other suitable container, of sufficient size for the storage of meat:
- (f) Sufficient floor space to enable workers to have their meals in reasonable comfort:
- (g) A sufficient number of tables and chairs.

9. Sleeping Rooms—(1) Sufficient and suitable sleeping rooms shall be provided for use by the workers.

(2) Where members of both sexes are employed, not being members of the same family, the sleeping accommodation for each sex shall be separate so as to ensure privacy.

(3) Not more than two persons shall be required to sleep in any one room.

(4) Each sleeping room shall be of not less than the following dimensions:

- (a) For one person: either
 - (i) 63 sq. ft. of floor space
8 ft high in any part
6 ft wide in any part; or
 - (ii) 80 sq. ft. of floor space
7 ft high in any part
6 ft wide in any part:
- (b) For two persons: either
 - (i) 100 sq. ft. of floor space
8 ft high in any part
7 ft wide in any part; or
 - (ii) 120 sq. ft. of floor space
7 ft high in any part
7 ft wide in any part.

(5) Beds shall be of the bedstead or divan type, or such other type as is approved by the Chief Inspector, but no bed shall be less than 2 ft 6 in. in width and 6 ft 2 in. in length.

(6) Each bed shall be fitted with a woven-wire or other suitable base and shall, except in the case of divan beds, be raised sufficiently above floor level to provide adequate ventilation and easy access for cleaning.

(7) Top bunks will be permitted only on the written approval of an Inspector. The Inspector may grant this approval only where the employer shows good reason why single stand beds cannot be used.

(8) If top bunks are permitted there must be—

- (a) Adequate space between the bottom bunk and the top bunk and between the top bunk and the ceiling:
- (b) A cover of plywood, sheetmetal, or similar material extending the full length and breadth of the underside of the top bunk so as to prevent dust, fluff, and other matter descending on the person below.

(9) Mattresses shall be of wool, kapoc, inner spring, foam rubber, or other type approved by the Chief Inspector.

(10) The mattresses shall be provided for the workers in a clean and hygienic condition.

10. Water for drinking and culinary purposes—(1) There shall be an adequate supply of wholesome water for drinking and culinary purposes.

(2) All pipes, tanks, vessels, or other means used to collect, convey, or store water shall be so constructed as to prevent the water from becoming polluted or contaminated.

11. Washing facilities—(1) Suitable and adequate washing facilities shall be provided in accordance with the provisions of this regulation.

(2) Wash basins and baths shall be provided in accordance with the following scale:

Maximum Number of Workers to be Served	Number of Wash Basins
6	1
14	2
24	3
36	4
48	5
60	6
Where the maximum number of workers exceeds 60	1 for every 10 workers and 1 for any number of workers in excess of all multiples of 10
Maximum Number of Workers to be Served	Number of Baths (Shower or Slipper)
10	1
Where the maximum number of workers exceeds 10	1 for every 10 workers and 1 for any number of workers in excess of all multiples of 10

(3) Two tubs and a copper or other suitable means shall be provided for the laundering of clothes.

(4) A suitable clothes line shall be provided for the drying of workers' clothes.

(5) (a) An adequate supply of hot and cold running water shall be provided over wash basins and baths in accommodation which is to be used by workers employed for a continuous period of over three months:

(b) An adequate supply of hot water and cold water shall be provided in all other accommodation.

(6) Adequate and suitable drainage shall be provided.

(7) Where it is not practicable to make provision for an adequate supply of water, the Inspector may modify the requirements of subclause (5) of this regulation under section 11 of the Act.

(8) Where separate facilities are not provided for females adequate means shall be provided to ensure privacy.

12. Lighting—(1) Adequate and suitable lighting shall be provided.

(2) Where electric power reticulation extends to the farm buildings, electric lighting facilities shall be provided throughout the accommodation.

(3) Where electricity is not available or where subclause (2) of this regulation does not apply, lighting shall be by means of pressure lamps or other appliances approved by the Chief Inspector.

(4) The level of illumination shall not be less than 7 lumens per square foot in every dining room, living room, sleeping room, or kitchen.

(5) All electric lights shall be equipped with adequate shades.

13. Heating—(1) Adequate and suitable means of heating shall be provided.

(2) Suitable heating facilities capable of maintaining a temperature of not less than 60°F at a height of 3 ft from the floor under conditions of adequate ventilation shall be provided for one room.

(3) The provision by the employer of a fireplace in a room convenient and available for use by the workers shall be deemed to be sufficient compliance with the provisions of subclause (2) of this regulation.

(4) Where the means of heating provided produces gases resulting from incomplete combustion a flue or other means shall be provided so as to convey those gases effectively to the outside air.

14. Ventilation—(1) All rooms shall be adequately ventilated by means of windows having an area of not less than one-tenth of the floor area.

(2) Not less than one-half of such window space shall be capable of being opened.

(3) Wherever practicable cross ventilation shall be provided.

15. Sanitary conveniences—(1) Suitable sanitary conveniences shall be provided of either the water closet, earth closet, bore-hole privy, or other type approved by the local authority or by the Medical Officer of Health.

(2) Sanitary conveniences shall be provided in accordance with the following scale:

Maximum Number of Workers to be Served	Number of Fittings
6	1
14	2
24	3
36	4
48	5
60	6
Where the maximum number of workers exceeds 60	1 for every 10 workers and 1 for any num- ber of workers in excess of all mul- tiples of 10

(3) All compartments shall be conveniently accessible and shall be of not less than the following dimensions:

Average height, 7 ft; width, 2 ft 6 in.; floor area, 12 sq. ft.; cubic capacity, 96 cu. ft.

(4) Doors and walls shall be properly constructed of sound materials.

(5) The door shall be capable of being fastened on the inside.

(6) Floors shall be constructed of an impervious material or of close-clamped tongued-and-grooved timber.

(7) Any convenience not connected to sewerage or a septic tank shall be entirely separate from living and cooking quarters.

(8) Earth closets and similar types of convenience shall be so constructed as to exclude flies and shall not be sited so as to be offensive or likely to be injurious to health. The opening in the seat shall be fitted with a hinged lid.

(9) All conveniences shall be adequately ventilated, kept clean and, where the system necessitates disposal, such disposal shall be arranged in a safe and hygienic manner.

(10) Where separate conveniences are not provided for females there shall be sufficient means provided to ensure privacy.

16. Clothing accommodation—Suitable accommodation shall be provided to enable workers to store their clothes.

17. Disposal of refuse—(1) Receptacles of metal or of other suitable material with close-fitting lids shall be provided in sufficient numbers to hold all refuse from the dining room and kitchen.

(2) If cooking is done in the accommodation the receptacles shall be emptied and cleaned at least once in every period of 24 hours while the accommodation is in use, and in every other case at least once a week while the accommodation is in use.

(3) The refuse shall be disposed of in such a manner as not to create a nuisance or be a danger to health.

(4) Where meals are cooked and provided in the accommodation, the worker shall be responsible for disposal of refuse. In all other cases the employer shall be responsible.

SPECIAL PROVISIONS

18. Temporary accommodation—Where the nature of the work necessitates the frequent removal of accommodation from one locality to another, temporary accommodation that is weatherproof (but not necessarily in conformity in other respects with these regulations) may, with the previous approval in writing of an Inspector, be used. Such approval shall not be granted for more than three months at one time.

19. Raspberry and hop workers—The following modifications shall apply to the accommodation provided for workers engaged in the harvesting of raspberry and hop crops:

(1) The roof shall not be required to be lined in any part of the accommodation.

(2) Not more than two persons shall be required to sleep in any one room:

Provided that this subclause shall not apply where three or more workers agree beforehand to share the same room.

- (3) The minimum dimensions of sleeping rooms shall be as follows:
- (a) One person—
- (i) 63 sq. ft. of floor space
8 ft high in any part
6 ft wide in any part; or
 - (ii) 80 sq. ft. of floor space
7 ft high in any part
6 ft wide in any part:
- (b) Two persons—
- (i) 120 sq. ft. of floor space
8 ft high in any part
7 ft wide in any part; or
 - (ii) 140 sq. ft. of floor space
7 ft high in any part
7 ft wide in any part:
- (c) More than two—
- (i) 50 sq. ft. of floor space for each additional person to be accommodated where the height of the room is 8 ft or more; or
 - (ii) 70 sq. ft. of floor space for each additional person to be accommodated where the height of the room is not less than 7 ft but under 8 ft.
- (4) Workers shall be permitted to cook and eat meals in sleeping rooms where—
- (a) Adequate cooking facilities are provided;
 - (b) No cooking facilities, other than an electric range or rangette, encroach on the living area;
 - (c) A properly drained sink and bench is installed;
 - (d) An adequate supply of cold water is situated at a point convenient of access from the sleeping room;
 - (e) Sufficient tables and chairs are provided for the number of workers accommodated.
- (5) Sufficient space shall be available for the storage of provisions and utensils in a dust-free and fly-proof condition.
- (6) Sufficient provision shall be made to enable workers to hang their clothes.
- (7) An adequate supply of hot and cold water shall be provided for personal washing.
- (8) No cooking and eating utensils need be provided by the employer.
- (9) Regulation 11 shall not apply to the accommodation.
- (10) The accommodation shall comply in all other respects with these regulations.

MISCELLANEOUS PROVISIONS

20. Maintenance—Subject to the provisions of sections 13 and 14 of the Act, all accommodation, and all utensils, appliances, furniture, fittings and other requisites provided under these regulations shall be maintained by the employer in good order and repair at all times while the accommodation is occupied by any worker.

21. Revocation—The Agricultural Workers' Accommodation Regulations 1937* are hereby revoked.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations prescribe the accommodation and amenities to be provided for agricultural workers under the Agricultural Workers Act 1962.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 May 1963.

These regulations are administered in the Department of Labour.