



# WIETA HOUSING GUIDELINES

2014

# WIETA Housing Guidelines

- This guideline addresses the processes and standards that should be applied to the provision of workers' housing and accommodation
- The standards review the current legal framework for housing and accommodation facilities within South Africa and internationally, the management policies, procedures and contractual arrangements, health and safety systems for the provision of worker housing, housing locations, physical and structural standards, provision of water, electricity and other services, adequate and sanitary living conditions, appropriate densities, safety and security.
- There are no universally applicable international regulations relating to workers' accommodation standards in general. However, there are some international standards/guidance on food safety, water sanitation and waste management that could be considered and national and local building and facilities regulations that must be complied with.

# The Legal Framework

Although there are no specific South African legislation relating to workers' housing and accommodation there are South Africa National Standards (SANS), South African building regulations and international good practices which can be applied to workers' accommodation in South Africa.



# The Legal Framework

These include:

- National Building Regulations and Building Standards Act (1977)
- Occupational Health and Safety Act
- 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 and the Provision of Accommodation in the Agricultural Sector (ESTA) (2007);
- Sectoral Determination: Agriculture sector 13 (2009);
  - South Africa mining accommodation standards;
- South African National Standards (SANS)
- International Finance Corporation (IFC) and European Bank for Reconstruction and Development (EBRD). (2008). Workers' accommodation: processes and standards A guidance note by IFC and the EBRD;
- International Labour Organization, Workers Housing Recommendation (1961);
- SA 8000 accommodation guidelines;
- International Covenant on Economic, Social and Cultural Rights

# The Legal Framework

The aforesaid local and international standards are relevant and important in informing the development of Housing and accommodation standards within the wine industry and agricultural sector within South Africa.



# Management System

- Worker housing and accommodation facilities should have a written management policy and plan, including specific policies and/or plans addressing general risks, health, hygiene and safety, security, living conditions, rights to family life, worker representation, community communication mechanisms, and grievance processes.
- The quality of the staff managing and maintaining the housing & accommodation facilities will have a decisive impact on the level of standards which are implemented and the well-being of workers. It is therefore important to ensure that managers are competent and their workers are adequately skilled. The manager will be responsible for overseeing staff, for ensuring the implementation of the housing and accommodation standards and for the implementation of the management plans. It is important the accommodation manager has the corresponding authority to do so.

# Housing Policies

- *There are management plans and policies ( especially in the field of health and safety, security, workers' rights, relationships with the communities.) and housing agreements that are:*
- *Documented*
- *Authorized by senior management*
- *Accessible*
- *Communicated to residents in a language they can understand*
- *Regularly reviewed*

# Charging for Housing & Housing Deductions

- Charging fees for the accommodation or the services provided to workers such as food or transport should be avoided where workers do not have the choice to live or eat anywhere else, or if deemed unavoidable, should take into account the specific nature of workers' accommodation.
- Any charges should be transparent, discussed during recruitment and specified in workers' contracts. Any such charges should still leave workers with sufficient income and should never lead to a worker becoming indebted to an employer.
- In all instances, charges relating to accommodation must never exceed those permissible by law – Sectoral Determination 13, Section 8

# Housing as a contractual benefit

- *When company housing is considered to be part of workers' wages, it is better practice that workers are provided with an employment contract clearly specifying housing arrangements and regulations, in particular rules concerning payments and fees, facilities and services offered and rules of notice*
- *Where housing is being deducted, the house should be no smaller than 30m<sup>2</sup> in terms of the provisions of the Sectoral Determination Section 8*
- *No more than 10% can be deducted for housing from the primary employee with whom the housing contract is being entered into in terms of the Sectoral Determination*
- *Where housing is being deducted, electricity should be provided free of charge in terms of the provisions of the Sectoral Determination*
- Where workers pay for electricity and/or other utilities it is recommended that these charges are explained to the workers, calculated fairly and clearly shown on the pay slips. Records should be retained in case there are queries or disputes.

# Accommodation in lieu of payment

*The provision of accommodation or other services by employers as a payment for work is prohibited. – See point 2.3 of current WIETA Code*



# Health and Safety Systems

The company/employer in charge of managing the workers' accommodation should have the prime responsibility for ensuring workers' physical well-being and integrity. This involves making sure that the facilities are kept in good condition (ensuring that sanitary standards or fire regulations are respected for instance) and that adequate health and safety plans and standards are designed and implemented



# Health and Safety Systems

*There are health and safety management plans that are:*

- *Based on a comprehensive risk assessment that includes all areas of risk, specifically: electrical; mechanical; structural and fire safety*
- *Documented*
- *Available & accessible*
- *Regularly reviewed*

*The person in charge of managing the housing and accommodation has a specific duty to report any incidents and/or accidents that occur in the vicinity of the worker housing to senior management and, where applicable, assist with the investigation and reporting of any such incidents/accidents.*

# First Aid

An adequate number of staff/workers is trained to provide first aid. 1 in 50 is the recommended standard.

Where on farm housing is provided, ensure that the worker responsible for and trained in first aid is also a member of the community being housed on farm.



# Emergency Planning & Fire Safety

A emergency and evacuation plan is developed and communicated to the residents within the on farm housing complex in a language they can all understand.

Worker houses and accommodation is provided with appropriate fire safety equipment and systems

A specific fire safety plan is prepared, including training of fire wardens, periodic testing and monitoring of fire safety equipment and regular fire drills.

# Health Related Support Systems

Pro active programmes for the prevention of alcohol, drug and HIV/AIDS and other health risk-related activities provided to workers

The employer encourages and assists workers who have a problem with alcohol to attend counselling, and where appropriate, rehabilitation centres. Guidance on the detrimental effects of the abuse of alcohol and drugs and other potentially harmful substances and the risk and concerns relating to HIV/AIDS and of other health risk-related activities is provided to workers.

It is better practice to develop a clear policy on this issue and to communicate this policy to workers in a language they can understand.

# General Living Conditions

Ensuring good standards in living facilities is important in order to avoid safety hazards and to protect workers from diseases and illness and to maintain personal dignity and morale.

Living conditions for workers should be clean, safe and, at a minimum, meet the basic needs of workers.



# Housing Location

- Where possible, worker housing and accommodation should be located within a reasonable distance from the production area and where this is not possible the risks associated with the production process must be minimized.
- *In cases where worker housing and accommodation are situated in close proximity to production areas there are controls in place to minimize risk and there is evidence of one or more of such controls :*
  - *A physical barrier between the production area and living area exists;*
  - *There is a buffer zone established between the living and production area;*
  - *Residents are informed when spraying will take place;*
  - *There is access to medical assistance & health checks for residents to monitor exposure;*
  - *Housing is designed and constructed to minimize risk; eg. there are non-opening windows on side facing production site.*
- No building shall be erected on a work site unless such site is provided with access for the purposes of fire fighting and rescue from such building by the fire services of the local authority. (SANS 10400-T:2011).

# Structural Standards

- The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.
- The housing premises shall be structurally sound and maintained to that standard
- There is no visible evidence of cracked walls, broken roofs or where there are ceilings, installations that pose a risk to the inhabitants.
- The doors and windows open and shut properly and are not broken
- The house / facility is weatherproof and there are no visible leaks in the roof, windows or doors.
- The floor is damp proofed with no visible holes or cracks.
- Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

# Insulation and Ventilation

Management to ensure that living facilities are adequately insulated and ventilated.

- There is visible evidence of sufficient insulation and ventilation at worker housing / accommodation:
- There are windows and doors in the living facility
- Windows and doors are in a good state of repair and can open to allow air into the facility and can close properly to protect residents from the cold.



# Housing Finishes

- All walls, windows, ceilings (where applicable), floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
- Rooms containing a flush toilet and/or a bathtub or shower shall have walls and floors that are smooth, non-absorbent to moisture and easy to clean.
- All walls shall form a watertight joint with each other, the floor, the ceiling
- and where applicable with the bathtub or shower.
- Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.

# Asbestos Management

Management shall ensure that where asbestos is used for living facilities, it is in good condition and regularly maintained.

- There is visible proof that asbestos used in housing and accommodation is not damaged and in good condition.
- There is a written maintenance plan and register available for asbestos used in worker Housing and accommodation



# Waste & Refuse

Management shall ensure that the living facility are kept in good repair and kept clean and free from rubbish and other refuse.

- Housing is in a state of good repair
- Houses are / Accommodation is cleaned on a regular basis and are free from rubbish and other refuse.
  - National Building Regulations and Building Standards Act (1977), Art. 4, 10& 14

Adequate containers for rubbish collection are provided at living facilities and these are emptied on a regular basis.

- There are adequate rubbish containers for rubbish collection at living facilities and these are emptied on a regular basis. (Best Practice: Rubbish containers are located 30 metres from each living facility on a wooden, metal or concrete stand)

# Waste & Refuse

Management to ensure that waste water, sewage, food and any other waste materials at living facilities are adequately discharged

- Waste water, sewage, food and other waste materials are adequately discharged in compliance with SANS 10400: Part P and with no significant impacts on residents, the biophysical environment or surrounding communities.

There should be appropriate protection from all disease-carrying insects and animals at living facilities.

- There are adequate measures in place for protection from disease-carrying insects and animals. There is evidence that pest extermination and disinfection is carried out at living facilities at least every three months

Management shall ensure that the accommodation site has adequate drainage to avoid the accumulation of stagnant water.

- The presence of stagnant water is a factor of proliferation of potential disease vectors such as mosquitoes, flies and others, and must be avoided.
  - SANS 10400: Part P (Water borne sewerage) and Part Q (non-water borne sewerage)

# Waste & Refuse

## Regulation Reference:

- SANS 10400: Part P
- SANS10252:2004
- National Environmental Management: Waste Act (2008), Art. 21-23
- International Labour Organization, Workers Housing Recommendation (1961), Art. 7d



# Lighting

Management to ensure that both natural and artificial lighting are provided and maintained in housing & accommodation, including emergency lighting

- There is evidence of both natural and artificial lighting in worker housing.
- Windows in living facilities provide sufficient natural lighting.
- There is artificial lighting provided in living facilities and all sources of this lighting is in good working condition.
- Emergency lighting is provided and is in good working condition.

## Regulation Reference:

- SANS 10400: Part O (Lighting & Ventilation)
- Environmental Regulations for Workplaces, 1987:2281
- (Windows)
- SANS 10400-T:2011 (Emergency lights)
- Environmental Regulations for Workplaces (1987), Art. 3.4-6 (Emergency lights)

# Electricity

The provision of electricity or other appropriate energy resources for heating, cooking and lighting should be provided

## Electrical Service

- Where housing premises are supplied with electrical service, outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition



# Water

Management to ensure that an adequate and convenient supply of free potable water is always available to workers at their living facilities.

- International guidelines: A minimum of 80 liters per person per day.  
(SA guidelines : 25 liters per person per day)

Where housing and services are free, and potable water is not reticulated within the house, management to ensure that water provision is provided at no more than a distance of 100m from the premises.

Management to ensure that drinking water at worker houses and accommodation meets the South African National Standard for drinking water

- Drinking water at worker housing / accommodation meets the South African National Standard for drinking water and recent results of water testing are available.

# Water

Management to ensure that water quality is regularly monitored and that it is tested at least once a year.

- Results of water testing are available to verify suitability of drinking water and that it meets the SANS requirements and there is written proof of such tests being conducted on an annual basis.

Management to ensure that all tanks used for the storage of drinking water are constructed and covered to prevent water stored from becoming polluted or contaminated.

- There is visible proof that all tanks used for the storage of drinking water are constructed and adequately covered to prevent water stored from becoming polluted or contaminated

# Water

Site management to ensure that disused chemical containers are not used to store, collect or disperse water to be used for human consumption.

- Disused chemical containers are not used at worker housing or accommodation to store, collect or disperse water intended for human consumption – i.e. drinking, cooking or washing.
- Evidence of appropriate disposal is required

Site management to ensure that all PPE are washed on site at facilities provided for washing and that all contaminated clothing is not taken home

- Evidence of on site washing facilities for washing PPE

# Density Standards & Overcrowding

There must be adequate space for workers living in hostels and overcrowding must be avoided

- There is adequate space for worker living in rooms / communal accommodation:
- there is a minimum of 4 square meters per person
- there is a minimum ceiling height of 2.10 meters
- In rooms where workers share space, a reasonable number of workers share the same room. (Standards range from 2 to 8)
- The usual standards range from 10 to 12.5 cubic meters (volume) or 4 to 5.5 square meters (surface/floor space) (IFC & EBRD 2008)

# Space for Sleeping Purposes

- A housing premises shall be deemed to be overcrowded if:
  - a bedroom in it has less than 3m<sup>2</sup> of total floor area for each adult sleeping in the bedroom,
  - in the case of a dormitory, the sleeping area in the dormitory has
  - less than 4.m<sup>2</sup> of floor space for each adult sleeping in the sleeping area, or
  - A habitable room in it that is not a bedroom but is used for sleeping

For the purposes of calculating overcrowding a person who is more than 1 year of age but not more than 10 years of age shall be considered as a ½ (one half) adult and a person who is more than 10 years of age shall be considered as 1 adult;

# Sanitary & Toilet Facilities

- All workers should be encouraged to maintain a good standard of personal hygiene but also to prevent contamination and the spread of diseases which result from inadequate sanitary facilities.
- Sanitary and toilet facilities should be designed to provide workers with adequate privacy, including floor to ceiling partitions and lockable doors. Sanitary and toilet facilities should not be shared between men and women, except in family accommodation. Toilets should be clearly marked according to gender at the entrance to each. The number of provided toilets should be in accordance with the SANS standards and should be well ventilated.
- The employer shall ensure that adequate toilet facilities are provided at worker housing / accommodation.
- The number of toilets provided at housing and accommodation is in accordance with the SANS requirement – 2 toilets per 8 women and 1 toilet for 8 men.
  - Reference: SANS 10400 – Part P; Section 4.11 – Table 5.

# Sanitation and Toilet Facilities

Management will ensure that toilet facilities:

- well ventilated
- are clean and hygienic;
- are not shared between men and women except in family accommodation;
- provide workers with adequate privacy;
- are easily accessible

Toilet facilities are provided at housing / accommodation and there is visible evidence that they are:

- Adequately ventilated – there are windows or other acceptable means of ventilation in the toilet
- Cleaned on a regular basis
- Separated according to sex – there are separated toilets for men and women
- Designed to provide workers with adequate privacy, including floor to ceiling partitions and lockable doors

# Sanitation and Toilet Facilities

- The employer shall ensure that adequate shower / bathroom facilities are provided at living facilities.
- There number of shower / bathroom facilities is in accordance with the SANS requirement – there is 1 bath / shower per 8 people living in the facility.



# Communal Living

The standards of the rooms or dormitory facilities are important to allow workers to rest and to maintain good standards of hygiene. The facilities should be adequate to the number of residents to avoid overcrowding.

- *Rooms where workers sleep are in a good condition:*
- *the rooms are aired and cleaned on a regular basis*
- *the rooms are built with easily cleanable flooring material*
- *all doors and windows are lockable*

*There are separate rooms for males and females except in cases where provision is made for family accommodation*

*There is adequate space for workers living in rooms / hostels:*

- *there is a minimum of 4 square meters per person*
- *there is a minimum ceiling height of 2.10 metres*
- *in rooms where workers share space, a reasonable number of workers share the same room. (Standards range from 2 to 8)*

# Communal Living

*There are an adequate number of beds for workers living in rooms / hostels. There is evidence that:*

- *there is a separate bed for each worker*
- *each worker is provided with a mattress free of charge*

*There is adequate floor space for the number of beds required in rooms / hostels:*

- *The floor area of the room of an employee who is provided with a single bed is not less than 4.6 square metres; and two employees who are provided with bunk beds is not less than 5.2 metres.*
- *There is a minimum space between beds of 1 metre.*

# Communal Living

*The nature of beds provided is safe and does not pose a health or safety risk to workers.*

- *triple bunks are not used in rooms / hostels*
- *where double bunks are used there is enough clear space between the lower and upper bunk of the bed – there is a space of at least 0.7 meters.*
- *There are appropriate facilities for the storage of personal belongings for workers living in rooms / hostels; these may be:*
  - *individual cupboards*
  - *lockers*

# Communal Living

## Cooking facilities

*In cases where workers cook their own food, cooking space is provided separate from the sleeping areas in the living facility*

*Cooking facilities provided are hygienic and in a clean condition:*

- *There is adequate ventilation*
- *Vermin-proof storage space is provided*
- *Food is stored at least 40 cm inches off the floor*
- *The cooking area is cleaned regularly*

## Laundry facilities

*There are separate facilities for workers to wash both work and non-work related clothes.*

## First Aid

*There are an adequate number of fully stocked first aid kits available at the living facilities in accordance with General Safety Regulations - 1993*

# Housing & Tenure Security

- It is important to note that the Extension of Security Tenure Act (ESTA) is directly linked to the labour rights of the employee since employment is a primary means by which an employee gains consent to reside on a farm
- Employers are required to comply with the provisions of the Extension of Security of Tenure Act in respect of those living on their land.
- In summary, ESTA establishes the conditions and procedures under which a farm worker can be evicted. Further, the Act also details the rights of the farmer and those of the farm worker. The act establishes the tenure rights of occupiers and it also defines duties on occupiers. The act gives procedures for evictions and the act also establishes opportunities for occupiers to acquire long-term rights to land.
- The Extension of Security of Tenure Act 62 of 1997 (ESTA) applies to all occupiers on land that is not zoned as a township or for township development, who are occupying land with the consent of the owner or person in charge, and who earn less than R5000 per month. Most farm workers living on farm land are therefore covered by this legislation.

# Housing & Tenure Security

This legislation was passed to provide both land owner and farm dweller with specific rights and also by placing specific responsibilities on both parties; to create parameters for evictions and to provide for subsidies for farm dwellers wishing to obtain their own accommodation.

- **Occupiers rights**

- to reside on and use land which they were residing on and using on or after 4 Feb 1997, as agreed with the owner (e.g. the right to graze cattle on the land)
- to services as have been agreed upon with the owner/person in charge (e.g. the right to sanitation and electricity)
- to receive visitors at reasonable times and for reasonable periods
- to receive postal or other communication
- to family life, in accordance with the culture of that family (occupiers of single sex hostels erected before 4 Feb 1997 do not have this right).
- not to be denied or deprived of access to water

# Housing & Tenure Security

- not to be denied or deprived of access to educational or health services (e.g. mobile clinics visiting the farm)
- **Occupiers duties**
  - not to intentionally or unlawfully damage the property of the owner or person in charge
  - not to intentionally or unlawfully harm other persons occupying the land
  - not to threaten or intimidate other lawful occupiers
  - not to help unauthorised persons, such as land invaders, set up new dwelling on the land
  - not to allow visitors to cause damage
  - not to damage the relationship between themselves and the owner to such an extent that it breaks down irretrievably
  - to comply with important and fair terms of any agreements with the owner
  - to respect the owners fundamental rights (e.g. the right to privacy)

# Housing & Tenure Security

## Owners' rights

- to impose reasonable conditions in respect of visitors, that are necessary to safeguard life or property, or to prevent undue disruption of work
- to hold occupiers liable for any conduct of their visitors causing damage to others while on the property, if the occupier, by taking reasonable steps, could have prevented such damage.
- to have a trespassing animal in the care of the occupier impounded if the occupier has been given the prescribed notice to remove the animal, but has failed to do so.

# Housing & Tenure Security

## Owners' responsibilities

- To respect the fundamental rights to occupiers, as well as the rights given to occupiers in terms of this act
- To follow fair procedures prior to taking a decision to terminate the consent of an occupier to reside on the land
- Not to prejudice an occupier for exercising any of his/her rights in terms of this act.
- Not to deny or deprive an occupier of access to water, educational or health services.
- To provide services as agreed upon with the occupier (eg electricity or transport)

# Housing & Tenure Security

- ESTA is enforced in the Magistrates Court and through the Land Claims Court. ESTA allows for alternative dispute resolution through the Department of Land Affairs which is more cost effective and allows for legal fees to be re-directed towards resettlement costs.
- The Department of Land Affairs is however responsible for the implementation of Chapter 2 of the act, which provides for grants to enable occupiers and other persons who need long term security of tenure to acquire land or rights in land.
- For example, An occupier's consent to live on land may not be terminated if the occupier has lived on the farm for 10 years, and s/he is over the age of 60 or s/he is an ex-employee on the farm and is now disabled.