

Mr. Veitch.

WORKERS' ACCOMMODATION.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Provisions of certain Acts not to void.</p> <p>3. Accommodation to be provided. What is proper and sufficient accommodation.</p> <p>4. Drying-room to be supplied by employer.</p> <p>5. Disposal of refuse.</p> <p>6. Place and mode of disposal of refuse.</p> <p>7. Sanitary arrangements.</p> <p>8. Privy-accommodation.</p> <p>9. Nuisance.</p> <p>10. Use of disinfectants.</p> <p>11. Lighting arrangements.</p> <p>12. Duties of workers accommodated.</p>	<p>13. Inspection and regulation of accommodation.</p> <p>14. Temporary accommodation for shearers. Case of portable shearing plant.</p> <p>15. Right of entry.</p> <p>16. Notice to comply with Act.</p> <p>17. Complaint to Magistrate of failure to comply with Act.</p> <p>18. Notice of commencement of work.</p> <p>19. Jurisdiction under Magistrates' Courts Act, Act, 1908. General fine. Appropriation of penalties.</p> <p>20. Regulations.</p> <p>21. Conflict of regulations.</p>
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A BILL INTITLED

AN ACT to provide for the Proper and Sufficient Accommodation of Title. Workers.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- 1. This Act may be cited as the Workers' Accommodation Act, Short Title. 1919.
- 2. Notwithstanding anything to the contrary in the Shearers and Agricultural Labourers' Accommodation Act, 1908, and its amendments, the following provisions shall apply. Provisions of certain Acts not to void.
- 3. (1.) Accommodation, proper and sufficient for the comfort and health of such workers as are employed and reside on the premises of the employer during their employment, shall be provided in buildings by the employer or the person having control of the premises, free of all cost to the worker, except as provided by the next succeeding section: Accommodation to be provided.
- Provided that where any existing industrial award contains any determination fixing any sum as being proper to be deducted from the remuneration of the employee in respect of accommodation provided by the employer for such employee, such industrial award shall, notwithstanding anything to the contrary contained in this Act, remain in full force until altered by the Arbitration Court.

(2.) Any agreement between an employer and a worker which, if it were valid, would have the effect of requiring that such worker shall not during his employment in that capacity reside on the premises on which he is employed, shall to that extent be void and inoperative.

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What is proper and sufficient accommodation.

(3.) Accommodation in such buildings shall not be deemed proper or sufficient for the comfort and health of workers, nor shall any employer or person having control of the premises allow, permit, or suffer any worker to use and occupy accommodation in such buildings, if any of the following conditions are not fulfilled:—

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(a.) All such buildings shall be separate from any buildings used for pastoral purposes, shearing-sheds, or other works, and shall be distant at least fifty yards from the shearing-shed:

Provided that—

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(i.) Buildings erected prior to the commencement of this Act at a distance of less than fifty yards, but containing, or which shall be altered so as to contain, the accommodation hereinafter defined, and which are recommended by the Inspector and approved by the Minister, shall be deemed proper and sufficient buildings within the meaning of this Act:

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(ii.) Where the buildings erected for the accommodation of workers have been rendered unfit for habitation by reason of destruction or damage by fire or other unforeseen cause, or by reason of any outbreak of disease or any similar cause, and there has not been a reasonable or sufficient time to rebuild or repair the same, or to remove the danger of continuance of such disease, or where premises have been newly established and there has not been a reasonable or sufficient time to erect new buildings, the employer may provide temporary accommodation for such workers in tents or other structures of a temporary nature. Nevertheless, proper and sufficient accommodation shall be erected within twelve months from the time of the causes aforesaid or such extended time as may be allowed by the Minister.

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(b.) All buildings used or in course of erection at the commencement of this Act for sleeping shall be divided into compartments, each compartment to accommodate not more than three persons; but in the case of such buildings erected after the commencement of this Act each such compartment shall be provided so as to accommodate not more than two persons.

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(c.) Where the workers for whom sleeping-accommodation is provided include persons of any Asiatic race, a separate building or separate buildings shall be provided for their sleeping-accommodation.

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(d.) Not less than four hundred and eighty cubic feet of air space shall be allowed to each person sleeping in any compartment of any such building.

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- 5 (e.) No room used for sleeping shall be used for the cooking or serving of meals. Unless permitted by the regulations in any particular class of cases, sleeping-rooms must not adjoin rooms used for cooking meals. Every dining-room situated under the same roof as any compartment used for sleeping-accommodation shall be partitioned off from every such compartment from floor to ceiling.
- 10 (f.) When meals are cooked and served in the same room, provision shall be made for cooking the meals at one end of the room and for serving them at the other.
- (g.) Separate dining-accommodation shall be provided for all persons of Asiatic race employed.
- 15 (h.) The sleeping and dining accommodation required to be provided for workers shall be in a building or buildings separate from those provided for any persons of Asiatic race.
- (i.) Sleeping-accommodation shall be provided for cooks and their assistants in a compartment or compartments separate from the sleeping-accommodation provided for other workers.
- 20 (j.) Every employer shall cause drains to be made to the satisfaction of the Inspector for the conveyance of liquid refuse from every building provided for the accommodation of workers, and such drains shall, to the satisfaction of the Inspector, be covered for a distance of one hundred and fifty feet from any such building.
- 25 (k.) Sufficient and proper earth-closets shall be provided, which shall be situated in a position to be approved by the Inspector, and being not less than twenty-five yards from the buildings and not less than one hundred yards from the water-supply. With the sanction of the Minister cesspits may be provided instead of earth closets, and such cesspits shall be made fly-proof and all seats provided with automatic-closing lids. A sufficient supply of disinfectant shall be kept in the privies for immediate use.
- 30 (l.) Each kitchen, sleeping, and dining room shall be supplied with sufficient light and ventilation, and shall be cleaned and fumigated or disinfected at least once in each year, and in the case of shearers within one week before the occupation of the building, and at such other times as may be decided on or approved by the Inspector.
- 35 (m.) Every employer shall provide for his workers a sufficient supply of good drinking water.
- 40 (n.) Proper cooking, drinking, and washing vessels and utensils shall be provided by the employer.
- 45 (o.) Baths and an adequate supply of water shall be supplied, except where the Inspector certifies that there is not a sufficient supply, and every bathroom shall contain all necessary utensils in the proportion of one set to every
- 50 four workers.

- (p.) All buildings shall be floored and lined with tongued and grooved timber, and in addition all sleeping-accommodation shall be lined with felt or other draught-proof material under the tongued and grooved lining to a height of four feet six inches from the floor. 5
- (q.) A fly-proof safe of suitable dimensions shall be provided for each kitchen and dining-room.
- (r.) The walls of every sleeping-compartment used for the accommodation of workers shall be of a height of at least nine feet, measured from the surface of the floor to the top of the wall-plate. 10
- (s.) No compartment for sleeping-accommodation of workers shall contain more than three bunks, bedsteads, or stretchers, and the floor-space shall be of sufficient area to permit such bunks, bedsteads, or stretchers to be placed on the floor of the room with sufficient width of floor between them to provide space for the ordinary convenience of any person using the room, and which width shall not be less than three feet. Every bunk shall rest on the floor of the room, and no bunks in tiers one above the other shall be used: 15
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- Provided that no compartment for sleeping-accommodation erected after the first day of January, nineteen hundred and *nineteen*, shall contain more than two bunks, bedsteads, or stretchers. 25
- (t.) Every employer shall provide a separate building for storing meat and other perishable provisions. All openings in such building shall be completely covered by wire netting of a mesh that will prevent the passage of flies and other insects. Such employer shall provide in such building a chopping-block and bench for cutting up and sufficient hooks for hanging meat. 30
- (u.) Every employer shall provide proper urns or pots with tight-fitting lids and spouts or taps for the distribution of tea and coffee. 35
- (v.) Every employer shall provide a lavatory for the use of the workers, and such lavatory shall contain vessels and utensils for personal ablution and for the washing of clothes in the proportion of one set of vessels and utensils for every four workers. 40
- (w.) No provisions, tools, or implements shall be stored in a sleeping-room of any building used for the accommodation of workers. No provisions, meat, perishables, tools, or implements shall be stored in a dining-room in such building. 45

Drying-room to be supplied by employer.

4. A drying-room with fireplace shall be provided and shall be of such dimensions as in the opinion of the Inspector is sufficient. Such drying-room shall be supplied by the employer with sufficient fuel to meet the necessities of the shearers employed by him.

Disposal of refuse.

5. Every employer shall provide proper receptacles for all refuse from the dining-rooms and cooking-places in or at buildings used for such purposes, and shall cause such receptacles to be emptied and

thoroughly cleansed as frequently as may be necessary, and at least once in every twenty-four hours.

6. Every employer shall remove all such refuse, whether liquid or dry, to a distance of at least one hundred yards from any building provided for sleeping or dining accommodation, and shall at such distance destroy the same by fire, or shall bury it at least three feet below the surface of the ground, or deal with it in some other manner directed by the Inspector.

Place and mode of disposal of refuse.

7. Every employer shall to the satisfaction of the Inspector make proper sanitary arrangements at every such building.

Sanitary arrangements.

8. Where the Inspector is of opinion that the use of a cesspit at any premises would be likely to cause the spread of any infectious disease, or be otherwise injurious to the health of workers, he may, notwithstanding that the sanction of the Minister has been obtained to the use of cesspits at such premises, by order, in writing, require the employer, within the time specified in such order, to discontinue the use of any such cesspit and to provide in substitution therefor such other sufficient and proper earth-closets as may be specified in such order.

Privy-accommodation.

9. No person shall commit a nuisance within one hundred and thirty yards of any building provided for the accommodation of workers.

Nuisance.

10. Every employer shall provide a sufficient quantity of disinfectants, of a quality to be approved by the Inspector, for application to all earth-closets and cesspits used by the workers and all drains and receptacles for refuse required under the Act and regulations, and shall cause such disinfectant to be applied daily in sufficient quantities to such earth-closets and cesspits, drains, and receptacles while the same are in daily use.

Use of disinfectants.

11. Every room provided for the accommodation of a worker or workers for the purpose of cooking or of eating or of sleeping shall be furnished by the employer with an adequate kerosene-lamp or other lighting arrangements, to be approved by an Inspector, and every shearer shall be provided with a mattress of clean kapoc, straw, or other suitable bedding to the satisfaction of the Inspector.

Lighting arrangements.

(1.) Every building, tent, structure, and compartment provided by an employer for the accommodation of workers under this Act shall be kept clean by the persons occupying the same during their occupation thereof; and whenever it is not being kept clean by the persons occupying the same the employer may thereupon have such building, tent, structure, or compartment restored to a clean state, at the expense of the occupiers, and thenceforward kept so from day to day.

Duties of workers accommodated.

(2.) No person occupying any such building, tent, structure, or compartment shall cause or suffer any damage or defacement to be done to it or to any property of an employer contained therein; and such employer may have such damage or defacement repaired.

(3.) The employer may in any such case as aforesaid, and without prejudice to any other remedies to which he may be entitled, deduct the expenses of any work necessary for either of the aforesaid purposes from the wages due or accruing due to the person or in equal parts from the wages due or accruing due to the persons

offending, or may recover such expenses as a debt from such person or from such persons jointly in any Court of competent jurisdiction, together with reasonable costs of the action, but so that the employer shall not be entitled to recover from any one person more than *five* pounds in respect of such expenses. 5

Inspection and regulation of accommodation.

13. Every Inspector shall once at least in every twelve months, and may whenever he thinks fit, inspect all buildings, tents, structures, and compartments used for accommodating workers situated within his district. If at the completion of the inspection the Inspector is satisfied that the requirements of this Act have theretofore been complied with by the employer, he shall, if so required by the employer, give to him a certificate to that effect. The Inspector shall include in such certificate a statement regarding the cleanliness or otherwise of any building, tent, structure, or compartment, having regard to the provisions of the *last preceding* section. Such certificate shall, for all purposes and in all proceedings, be *prima facie* evidence of the facts therein stated. Every Inspector shall, not later than the thirty-first day of March in every year, make a full and detailed report to the Minister of his inspections. Every Inspector making any such inspection shall, at the request of an employer or the person having control of the premises, produce and show the certificate of his appointment. 10 15 20

Temporary accommodation for shearers.

14. Notwithstanding anything contained in this Act, in cases where any owner or other person having the control of premises—

- (a.) Employs any workers temporarily at such premises for any work usually performed by shearers; or 25
- (b.) Enters into an agreement with any person, herein called the contractor, for the performance temporarily at such premises, by the contractor and workers directly employed by him, of any work usually performed by shearers; or 30
- (c.) Enters into a shearing agreement with the owner or other person having control over a portable shearing-plant,

Case of portable shearing plant.

the owner or such other person having control of the premises shall, free of all cost to the workers except as provided in section *seven* of this Act, provide and supply to all such workers the temporary accommodation necessary in the execution of the work, and the regulations may prescribe the nature and extent of the temporary accommodation to be supplied by him, so that in all respects the health and well-being of such workers may be safeguarded. 35 40

Right of entry.

15. For the effectual execution of this Act, every Inspector shall at all times have the right of ingress and egress to and from any premises and any building used for accommodating workers, and any tent or other structure used for accommodating workers employed temporarily. 40

Notice to comply with Act.

16. (1.) When an Inspector has reason to believe that the requirements of this Act have not been complied with, he shall, by notice in writing to the employer, direct him, within a reasonable time to be therein mentioned, to comply with such requirements. He shall also in the notice specify the matters with respect to which he considers the said requirements have not been complied with. The notice may be served on the employer personally, or by being left at his usual or last-known place of abode. 45 50

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(2.) Every person who—

- (a.) Refuses to give information or gives false information in answer to an inquiry by an Inspector; or
 (b.) Resists or obstructs an Inspector in the course of his duty; or
 (c.) Refuses or neglects to obey the order of an Inspector; or
 (d.) Refuses or neglects to give any notice prescribed by this Act,

shall be liable to a fine not exceeding *twenty-five* pounds.

- 10 17. (1.) If any employer refuses or neglects to obey the order or any part of the order of an Inspector, a Magistrate, upon the complaint of such Inspector, may make an order directing the Inspector to carry out the work at the expense of the employer, and the Inspector shall cause the work to be carried out accordingly, and
 15 may recover from the employer the expense of doing the work by action in any Court of competent jurisdiction.

Complaint to Magistrate of failure to comply with Act.

(2.) All such expenses shall be a first charge upon the premises of the employer, notwithstanding any change that may take place in the ownership of the premises.

- 20 18. (1.) Every employer shall, not less than a week before the commencement of the shearing season in each year, post or cause to be delivered to the Inspector of the district, at his official address, a notice of such intended commencement.

Notice of commencement of work.

- (2.) The Inspector may excuse the want of such notice in any
 25 case where owing to a sudden emergency it has become necessary to immediately commence work, provided notice that work has commenced is given as aforesaid within twenty-four hours thereafter.

- 30 19. (1.) Complaints for offences against or for failure to comply with this Act shall be heard and determined under the Magistrates' Courts Act, 1908.

Jurisdiction under Magistrates' Courts Act, 1908.

(2.) Any person who contravenes or fails to comply with any of the provisions of this Act shall, where no other fine is expressly provided, be liable to a fine not exceeding *fifty* pounds.

General fine.

- 35 (3.) All fines recovered under this Act shall be paid into the Consolidated Fund.

Appropriation of penalties.

- 40 20. (1.) The Governor in Council may from time to time make regulations for all purposes which, in his opinion, are necessary to give effect to the purposes and intention of this Act. Such regulations may be general in their application or may be limited to particular localities or premises. Such regulations may provide a fine not exceeding *twenty* pounds for any breach thereof. All such regulations shall, upon publication in the *Gazette*, be judicially noticed, and shall be read as one with this Act and be of equal validity. All such regulations shall be laid before both Houses of
 45 Parliament within fourteen days after the making thereof if Parliament is then sitting, or, if Parliament is not then sitting, within fourteen days after the commencement of the next session of Parliament.

Regulations.

- 50 (2.) If either House of Parliament, by resolution passed within fifteen days after such regulations have been laid before such House, resolves that the whole or any part of such regulations ought not to continue in force, in such case the whole or such part thereof as is so

included in such resolution shall from and after such resolution cease to be binding, but without prejudice to the validity of anything previously done thereunder.

Conflict of
regulations.

21. Where any by-law, regulation, order, or Orders in Council made under the laws relating to local authorities or public health conflicts in its application to any premises with a regulation or order made under the provisions of this Act, the regulations or orders issued under this Act shall prevail.

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