

Draft - Workers accommodation

Code of practice

Editorial note

When reading this Code of practice (this Code), please be aware that any reference to:

- the ‘*Work Health and Safety Act* ’ refers to the Work Health and Safety Act 2011 (NSW), or any successor legislation,
- the ‘*Work Health and Safety Regulation*’ refers to the Work Health and Safety Regulation 2025 (NSW), or any successor regulation,
- a code of practice refers to the relevant NSW Code of practice, or any successor code of practice

This Code may contain references to relevant withdrawn or superseded Australian Standards or Australian/New Zealand Standards.

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Acknowledgment

Safe Work NSW wishes to acknowledge the contribution and collaboration of industry and social partners through the public comment period and technical development of this Code.

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Foreword

This Code of practice (this Code) on how to manage work health and safety risks associated with accommodation provided to workers is an approved code of practice under section 274 of the *Work Health and Safety Act 2011* (the WHS Act).

An approved code of practice provides practical guidance on how to achieve the standards of work health and safety required under the WHS Act and the *Work Health and Safety Regulation* (the WHS Regulation) and effective ways to identify and manage risks.

A code of practice can assist anyone who has a duty of care in the circumstances described in the code of practice. Following an approved code of practice will assist the duty holder to achieve compliance with the health and safety duties in the WHS Act and WHS Regulation, in relation to the subject matter of the code of practice. Like regulations, codes of practice deal with particular issues and may not cover all relevant hazards or risks. The health and safety duties require duty holders to consider all risks associated with work, not only those for which regulations and codes of practice exist.

Codes of practice are admissible in court proceedings under the WHS Act and WHS Regulation. Courts may regard a code of practice as evidence of what is known about a hazard, risk, risk assessment or risk control and may rely on the code in determining what is reasonably practicable in the circumstances to which the code of practice relates. For further information see Safe Work Australia's *Interpretive Guideline: The meaning of 'reasonably practicable'*.

An inspector may refer to an approved code of practice when issuing an improvement or prohibition notice. This may include issuing an improvement notice to a PCBU for failure to comply with a code of practice where equivalent or higher standards of work health and safety have not been demonstrated.

Scope and application

This Code is intended to be read by a PCBU who provides accommodation that is owned by, or under the management or control of, the PCBU. It provides practical guidance to PCBUs on managing health and safety risks associated with such accommodation and applies to all industries where accommodation is provided to workers. Under the WHS framework, a PCBU must, so far as is reasonably practicable, ensure that accommodation provided to workers is safe and does not pose risks to their health and safety. This duty applies when:

- The accommodation is owned, managed, or controlled by the PCBU; and
- The accommodation is necessary for the worker's engagement because no other suitable accommodation is reasonably available.

Compliance with this Code, alongside other approved Codes of Practice, can assist PCBUs in meeting their legal obligations under the WHS Act.

This Code applies to all industries where accommodation is provided to workers.

How to use this Code of Practice

This Code includes various references to the legal requirements under the WHS Act and WHS Regulation. These references are included for convenience only and should not be relied on in the place of the full text of the WHS Act or WHS Regulation. The words 'must', 'requires' or 'mandatory' indicate a legal requirement exists that must be complied with.

The word 'should' is used in this Code to indicate a recommended course of action, while 'may' is used to indicate an optional course of action.

1 Introduction

1.1 What is workers accommodation?

Accommodation provided for workers during work undertaken away from home, that is owned, managed or controlled by the PCBU and provided to workers when other accommodation is not reasonably available. An example of such arrangements would be where accommodation is provided to fly-in-fly-out (FIFO) workers for mines, construction workers for large-scale infrastructure projects in remote locations, or rural workers such as those in the tourism or agricultural sectors.

Suitable, safe and fit for purpose accommodation is vital for the health, safety, and well-being of workers, enabling them to perform their duties effectively while complying with relevant health and safety regulations. This includes providing basic amenities such as clean water, sanitation facilities, cooking areas, and sleeping quarters.

1.2 Health and safety duties when providing accommodation

WHS Act section 19(4)
Primary duty of care

If a worker occupies accommodation that is owned, managed or controlled by a PCBU, and the occupancy is necessary for the purposes of the worker's engagement because other accommodation is not reasonably available, the PCBU must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to their physical or psychosocial health and safety.

PCBUs also have duties to

- consult workers about work health and safety
- consult, cooperate and coordinate with other duty holders
- provide information, training, instruction and supervision

Further guidance on consultation requirements is available in the *Code of practice: Work health and safety consultation, cooperation and coordination*.

2 Risk management process

WHS Regulation sections 34 – 38

Risk management is the systematic process to eliminate or minimise the potential harm to people.



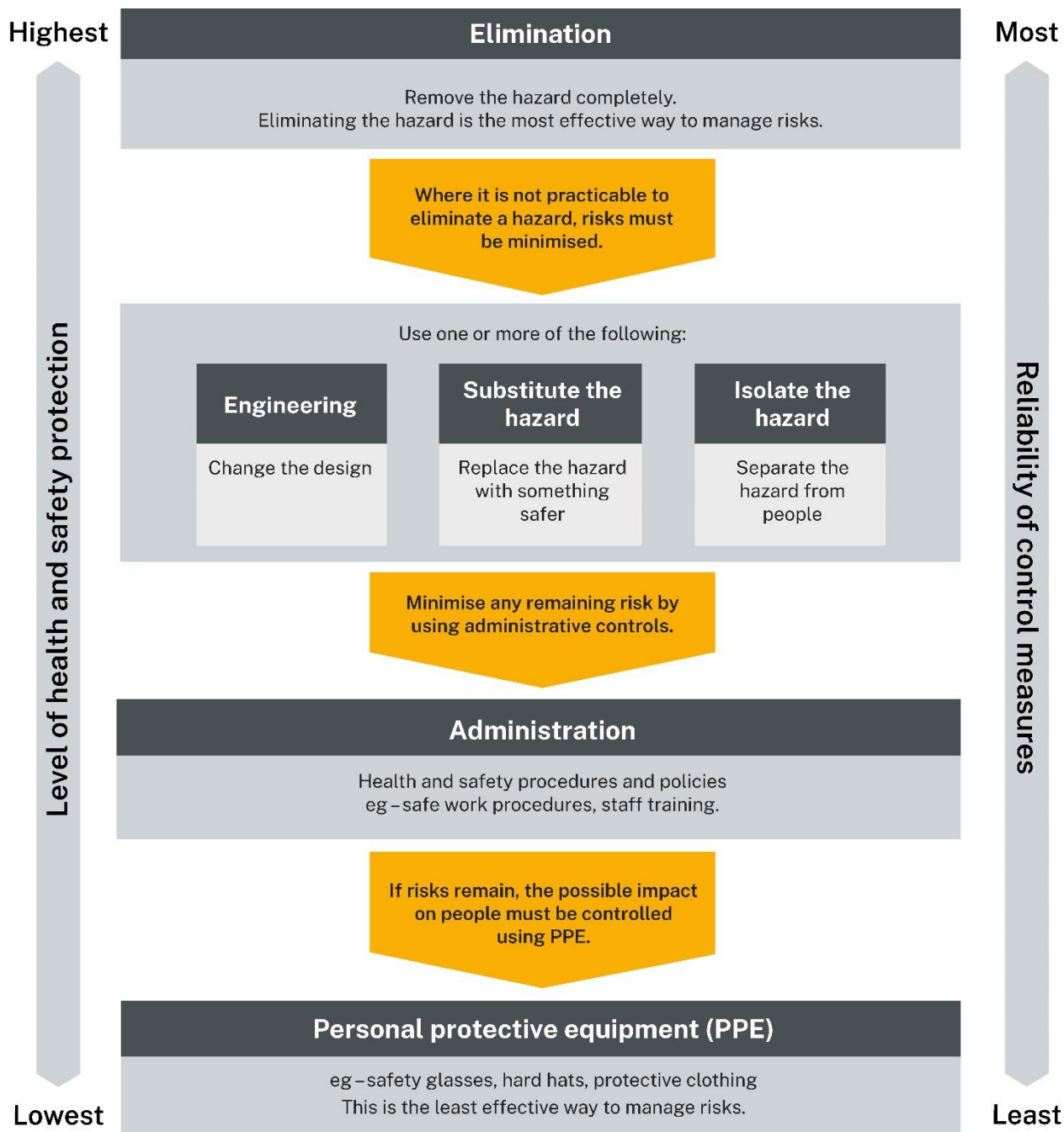


Figure 1: An overview of the hierarchy of control

Further risk management guidance is available in the:

- *Code of practice: How to manage work health and safety risks*
- *Code of practice: Managing psychosocial hazards at work*
- *Code of practice: Sexual and gender-based harassment*

3 Accommodation considerations

WHS Act section 19(4)

Primary duty of care

Some businesses supply accommodation to their workers when they are temporarily working away from home. This may be during events, festivals, road construction activities, rural/farming or fly-in fly-out scenarios and other temporary work sites or activities like fruit picking etc where the worker is required to be away from home.

There are several factors you should consider when providing accommodation, including whether the work activity is in a metropolitan, regional or remote area and whether temporary or permanent accommodation will be used.

If you are providing accommodation, or a site for workers to use their own shelter (e.g. tents and/or caravans):

- You must ensure the site, and those premises are maintained so that the person staying in it is not exposed to risks to their health and safety.
- This may include providing designated areas for workers to set up their shelter that is free from risk to their health and safety.
- It should be included in:
 - induction activities when workers arrive at the site, and
 - all emergency management plans including evacuation during an emergency.

This ensures that workers, including those who may be using their own shelter:

- know who they should contact if there are any issues,
- are included in emergency plans – even though they may not be working at the time of an incident, they may be affected by it whilst staying onsite,
- understand where they should set up and are aware of things to consider during set up, use, packing away, where relevant.

3.1 What might accommodation look like?

Accommodation may take different forms but will generally be either:

Permanent accommodation

An existing structure appropriate for accommodation such as a house, hotel, holiday park

Temporary accommodation

A structure erected for the duration of the work activity, where the temporary structure is provided and erected either by the PCBU or the worker on a location provided / nominated by the PCBU.

3.2 What should accommodation include?

Whether it is a permanent or a temporary structure, accommodation should be located away from the work activities happening during the event to enable the worker to obtain adequate rest. If accommodation villages are being used, such as 'fly in fly out' scenarios where groups of workers use the accommodation for multiple days at a time, they should be designed to encourage socialisation whilst also providing space for relaxation and privacy.

The *Code of practice: Managing the work environment and facilities* identifies that accommodation facilities should also:

- be lockable, with safe entry and exit (including where accommodation is accessed by ladder due to its location being above animal quarters),
- meet all relevant structural and stability requirements,
- meet electrical and fire safety standards,
- have a supply of drinking water,
- have toilets, washing and laundry facilities,
- have adequate waste disposal and collection,
- be provided with sleeping quarters shielded from noise and vibration,
- have crockery, utensils and eating facilities,
- have lighting, heating cooling and ventilation,
- have storage cupboards and other furniture,
- be provided with a refrigerator or cool room, and have all fittings, appliances and equipment in good condition,
- consideration should be given to ensuring thermal comfort for residents, with appropriate measures in place to protect them from exposure to extreme heat and cold. Maintaining indoor temperatures within a safe and comfortable range is essential, as thermal comfort plays a critical role in supporting both physical health and psychological wellbeing.

4 Considerations when choosing a location for temporary accommodation

Sometimes PCBU's may set up temporary accommodation such as caravans or tents for their workers' use or provide a location for workers to set up their own temporary accommodation for the duration of the work being completed. Common examples include music festivals, agricultural shows or other similar events. In these situations, PCBU's should still ensure, so far as is reasonably practicable, that the location and the type of temporary accommodation being provided is appropriate. This includes that the location has access to or is within reasonable distance to facilities and its use doesn't create health and safety risks.

The following factors should be considered when choosing a location for temporary accommodation:

- the surface is reasonably level,
- the location is away from danger zones for natural hazards like flash flooding or other incoming weather,
- people using the location will be protected from incoming weather e.g. thunderstorms, hail, lightning, strong winds, extreme heat or cold,
- there is access to reasonable shade,
- there are no large trees or trees that appear to be dead or have dead limbs or have unattached limbs or material suspended in its canopy,
- drinking, toileting and washing facilities available,
- access to eating facilities,
- there are no trip hazards around the site (including those created by tent ropes or the structures themselves),
- adequate lighting and access to electricity (this can include electricity from a generator),
- people staying in the accommodation can safely enter and exit the location, including in an emergency situation,
- flora in the vicinity will not cause any risks or injuries (ability to cut or scratch etc.),
- there are no expected risks associated with the fauna, e.g. venomous snakes, ants etc.),
- the accommodation is in a location which is separate from other people attending the event,
- the accommodation (e.g. tents etc) is erected in a way that won't expose the worker or others to injury,
- no other hazards are on the site which could cause injury,
- workers staying in the location are aware of potential hazards.

5 General provisions for facilities

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| Location | <p>Accommodation and associated amenities should be located in a safe and convenient location and only used for their intended purpose.</p> <p>Facilities should be located near each other, for example accommodation should be convenient to toilet and hand washing facilities.</p> <p>Facilities should be:</p> <ul style="list-style-type: none"> • situated to prevent flooding or dampness caused by running water and to avoid exposure to overflow, run-off or escaping material of any kind, • an appropriate distance from sources of noise, odour, sources of infection, livestock or other work processes (unless other measures provide protection). |
| Design and construction | <p>Buildings should be structurally sound, fit for purpose, appropriate to the location of the worksite.</p> <p>Structures should have adequate lighting and ventilation and provide protection against heat, cold, dust, insects and vermin.</p> <p>Consideration must be given to the design, layout and environmental conditions that may cause psychological harm.</p> |
| Access and egress | <p>Clear and safe access and egress should be maintained at all times. This includes adequate lighting if the accommodation or amenity is used at night or periods of low-level ambient light such as early morning or evening.</p> |
| Electrical safety | <p>Buildings and facilities must be designed and maintained to comply with electrical safety standards.</p> <p>RCD units should be tested regularly by a competent person to ensure that the devices are operating effectively.</p> <p>Temporary accommodation associated with construction and demolition sites must comply with Australian / New Zealand Standard AS/NZS 3012: 2010 <i>Electrical installations – Construction and demolition sites</i>.</p> <p>Extension cords, supply cords and electrical appliances used in facilities such as kitchens should be checked regularly.</p> <p>For further information refer to <i>Code of practice: Managing electrical risks in the workplace</i>.</p> |
| Fire safety | <p>Buildings and facilities must be designed and maintained to comply with fire safety standards. This includes fire detection systems (i.e. smoke detectors), firefighting equipment (i.e. fire blankets in kitchens), and good housekeeping.</p> <p>Particular attention should be paid to fire risks where temporary sources of power and heating are used.</p> <p>Fireplaces and heaters need to be properly constructed and guarded.</p> <p>Gas cylinders need to be used and stored correctly and tested periodically for safety and re-certification. Refer to Chapter 8, Emergency plan.</p> |

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| Clean water | <p>Clean, potable water should be supplied for use in all amenities and accommodation.</p> <p>All non-potable water supply points should be marked with signs warning that the water is unfit for drinking.</p> |
| Disposal of wastewater and other material | <p>Waste water, sewage, food and any other waste material should be adequately disposed of, to ensure safety and hygiene for all workers.</p> |
| Lighting | <p>Lighting must be adequate to ensure safe movement in and around amenities and accommodation. Adequate lighting should be provided in outdoors areas to allow movement after dark without the risk of falling.</p> |
| Security and privacy | <p>Accommodation provided to workers must be adequately secured to protect the occupants and their belongings. For example, lockable doors, windows and security screens.</p> |
| Sleeping accommodation | <p>Sleeping accommodation should be located:</p> <ul style="list-style-type: none"> • sufficiently far away from any work process, livestock, other animal, material or equipment so as to not be exposed to noise, waste products, odours, chemical, electrical or other hazards, and • within reasonable distance from associated amenities including a bathroom facility, a food storage and preparation area, dining facility, drinking water and laundry facility. <p>Each sleeping room or compartment should be equipped with:</p> <ul style="list-style-type: none"> • suitable and fit for purpose bedding. <p>Where a building used for sleeping accommodation is divided into compartments or rooms:</p> <ul style="list-style-type: none"> • the partitions should be built from floor to ceiling and constructed of suitable framing and lining material so as to provide reasonable sound insulation and visual security from adjoining rooms or compartments, • the minimum floor area of a sleeping room or compartment should be of a sufficient size to allow each person sufficient space to rest comfortably, • consider gender preferences and needs to ensure privacy, comfort, and safety. |
| Storage facilities for personal belongings | <p>Suitable storage should be provided for clothing and personal belongings.</p> <p>The storage should be located in an accessible and secure place, of an appropriate size and fitted with hooks, shelves, hanging rails.</p> |
| Facilities for changing clothes | <p>Clothes changing facilities should include adequate space for hanging clothes and suitable seating, lighting and ventilation. Separate male and female facilities should be provided.</p> |
| Bathroom facilities | <p>Showering facilities with adequate space for changing and hanging clothes, suitable light and ventilation, non-slip flooring, warm / hot and cold water.</p> <p>Hand washing facilities with warm / hot water, soap and a hygienic means of drying hands.</p> |

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| | <p>Toilet facilities with adequate privacy, ventilation and lighting.</p> <p>In shared shower and toilet facilities, partitions, lockable doors and separate facilities for males and females.</p> |
| Laundry facilities | <p>Laundry facilities including a washing machine, dryer and / or clothesline, sinks or tubs with hot and cold water, iron and ironing board, and storage space for laundry requisites.</p> |
| Kitchen and dining facilities | <p>Kitchen facilities including refrigerator and freezer, hot and cold water, food cooking / warming appliances, sink, cooking utensils, cutlery, crockery and garbage disposal.</p> <p>Dining facilities should have adequate tables and chairs, ventilation, lighting, heating and cooling.</p> <p>Where the facilities are stand alone, they should also be solidly constructed, fully enclosed, weatherproof and separate from any work area where the work involves exposure to dirt, chemicals, animals or any other process or substance that may be dangerous or unhygienic.</p> |

Note – all facilities should be adequate for the number of users.

6 Maintenance of accommodation

WHS Act section 19(4)

Primary duty of care

Where a PCBU provides accommodation for workers, it must ensure that the accommodation is maintained so that the workers are not exposed to risks to health and safety during its use.

Where workers are staying in their own shelter, for example circus workers using their own mobile homes, caravans or use of personal horse floats with 'lean-to' tents attached, PCBUs should ensure that the common areas around the accommodation are maintained to avoid hazards which could cause injury.

However, if temporary accommodation such as tents are being provided by PCBUs as part of the event or temporary worksite, PCBUs are responsible for ongoing maintenance of the accommodation itself. One way to ensure temporary accommodation is being regularly maintained to prevent WHS risks is to include the area containing the temporary accommodation in the overall event or worksite management plan.

Workers' obligations

Upkeep and housekeeping of accommodation during occupancy or tenancy is the responsibility of the workers concerned. Workers should ensure that the standard of facilities is maintained by keeping the premises clean and tidy, disposing of rubbish properly, and only using the facilities for their intended purposes.

When finishing the period of work, the facilities should be left clean by the workers in a condition similar to that in which the workers found them.

7 Accommodation for rural workers

WHS Act schedule 5 sections 3 and 4

Accommodation to be provided for rural worker and Cost of accommodation

If you are a PCBU of a rural premises, you must provide suitable accommodation free of cost, subject to any contrary provision of a Commonwealth or State industrial instrument such as modern awards, to a rural worker if the nature of the work requires the worker to live on or near the premises for more than a 24-hour period.

Example scenario

During cotton picking season, a PCBU engages rural workers to pick cotton on their farm. Due to the nature of the shift patterns and the remoteness of the farm, the PCBU provides free accommodation on site to the workers during their employment.

8 Emergency plans

A person conducting a business or undertaking at a workplace must ensure that an emergency plan is in place.

In the context of rural accommodation where it is not considered a workplace, emergency plans should be in place to ensure the safety of workers.

No one can predict when an emergency is going to take place. Emergency situations may arise due to a fire, explosion, chemical spill, medical emergency, natural disaster, bomb threat or violence.

Having a pre-prepared and up to date plan with site-specific safety information (for example, bushfire or flood information) is the best way to be ready to respond to an emergency. Your plans will help workers and visitors respond appropriately in the event of an emergency.

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9 Psychosocial hazards

WHS Regulation section 55D(f)

Psychosocial risks control measures

Psychosocial hazards are anything that may cause psychological harm (harm someone's mental health).

A *psychosocial risk* is a risk to the health or safety of a worker or other person arising from a psychosocial hazard.

When implementing control measures, a PCBU must consider all relevant matters including the design, layout and environmental conditions of the workers' accommodation to eliminate psychosocial risks, or if that is not reasonably practicable, minimise them so far as is reasonably practicable to ensure the health and well-being of the workers.

Workers' accommodation must provide a safe, comfortable and secure environment to minimise psychosocial risks.

Considerations may include:

Adequate sleep and rest facilities

- Sufficient space, ventilation and temperature control for comfort.
- Private sleeping area to reduce stress.
- Consider gender preferences and needs to ensure privacy, comfort, and safety.
- Noise control to prevent sleep disturbances to manage fatigue.

Safety and Security

- Accommodation is secure.
- Lockable rooms and personal storage to ensure security.
- Adequate lighting, including well-lit access to and from accommodation and areas workers may need to access at night.

Common areas

- Common areas for social interaction and relaxation.
- Access to communication – wi-fi, phone services to stay connected.
- Clear policies and procedures to prevent overcrowding, harassment and unfair treatment.

Further information on how to manage psychosocial hazards in the workplace can be found in the *Code of practice: Managing psychosocial hazards at work*.

10 Appendices

10.1 Appendix A Glossary

| Term | Description |
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| Accommodation | Means residential accommodation. |
| Agricultural or pastoral occupation | Means work in or in connection with: <ul style="list-style-type: none">a. the sowing, raising, or harvesting of crops of grain, fodder, sugar cane, fruit, or any other crop or farm produce whether grown for food or not, orb. the management, rearing, grazing or feeding of animals that are being kept or raised for a commercial purpose, orc. shearing or crutching of animals, ord. scouring, sorting or pressing of wool, ore. dairying, orf. any other occupation carried on in connection with, or as ancillary to, an occupation mentioned above. |
| Competent person | A person who has acquired through training, qualification or experience the knowledge and skills to carry out the task. |
| Controller of rural premises | Means the landholder of the rural premises where the work is being carried out for which accommodation is required. |
| Duty holder | Any person who owes a work health and safety duty under the WHS Act including a PCBU, a designer, manufacturer, importer, supplier, installer of products or plant used at work (upstream duty holder), officer or a worker. |
| Hazard | A situation or thing that has the potential to harm a person. Hazards at work may include: noisy machinery, a moving forklift, chemicals, electricity, working at heights, a repetitive job, bullying and violence at the workplace. |
| May | ‘May’ indicates an optional course of action. |
| Must | ‘Must’ indicates a legal requirement exists that must be complied with. |
| Officer | <p>An officer under the WHS Act is:</p> <ul style="list-style-type: none">- an officer under section 9 of the <i>Corporations Act 2001</i> (Cth)- an officer of the Crown within the meaning of section 247 of the WHS Act, and- an officer of a public authority within the meaning of section 252 of the WHS Act. <p>A partner in a partnership or an elected member of a local authority while acting in that capacity, are not ‘officers’.</p> |
| Person conducting a business or undertaking (PCBU) | <p>A PCBU is an umbrella concept which intends to capture all types of working arrangements or relationships. A PCBU includes a:</p> <ul style="list-style-type: none">- company- unincorporated body or association- sole trader or self-employed person. |

| Term | Description |
|---------------------|---|
| | <p>Individuals who are in a partnership that is conducting a business will individually and collectively be a PCBU.</p> <p>A volunteer association (defined under the WHS Act) or elected members of a local authority will not be a PCBU.</p> <p><i>Note –</i></p> <p>A person may be both a PCBU, within the meaning of section 5 of the WHS Act, and a worker within the meaning of section 7 of the WHS Act.</p> |
| Psychosocial hazard | <p>A psychosocial hazard is a hazard that –</p> <ul style="list-style-type: none"> (a) arises from, or relates to – <ul style="list-style-type: none"> (i) the design or management of work, or (ii) a work environment, or (iii) plant at a workplace, or (iv) workplace interactions or behaviours, and (b) may cause psychological harm, whether or not it may also cause physical harm. |
| Remote | <p>Remote or isolated work is work that is isolated from the assistance of other people because of the location, time or nature of the work being done. Assistance from other people includes rescue, medical assistance and emergency services.</p> |
| Risk | <p>The possibility harm (death, injury or illness) might occur when exposed to a hazard.</p> |
| Rural Worker | <p>Means a person who works at rural premises in an agricultural or pastoral occupation.</p> |
| Should | <p>‘Should’ indicates a recommended course of action.</p> |
| Worker | <p>Any person who carries out work for a PCBU, including work as an employee, contractor or subcontractor (or their employee), self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' or a volunteer.</p> <p><i>Note –</i></p> <p>A person may be both a worker, within the meaning of section 7 of the WHS Act, and a PCBU within the meaning of section 5 of the WHS Act.</p> |