

Guidance for providers

Licence conditions on worker accommodation

Labour hire licensing acts to protect workers and support industry transparency and integrity, through a range of checks on labour hire businesses and the people operating them.

In circumstances where heightened risks of worker exploitation and unlawful conduct are identified, the Labour Hire Authority (LHA) applies licence conditions to further address these risks.

Failure to comply with licence conditions can lead to licensing action – up to and including cancellation – and legal action where required to address unlawful conduct.

Maximum penalties of more than \$160,000 apply for non-compliance with licence conditions.

Licence conditions on worker accommodation

All licence holders that procure or provide housing to labour hire workers are required to comply with applicable minimum accommodation standards.

Housing that does not meet these standards can harm workers' health, safety and wellbeing, through issues such as:

- overcrowding
- poor maintenance or substandard cleanliness
- insufficient safety measures
- inadequate facilities or non-functional waste management.

Depending on the size, nature and location of worker accommodation, the minimum standards that apply may be governed by a range of legislation, overseen by different regulatory bodies.

To address the significant risks of worker harm, and to clarify expectations for licence holders, LHA may apply licence conditions relating to worker accommodation:

- to individual licences, where LHA identifies higher-risk circumstances
- as part of standard licence conditions, for providers operating in high-risk industries.

Standard licence conditions

For providers operating in industries with higher risks of worker exploitation and unlawful conduct, LHA applies standard conditions to all new licences, as well as progressively to existing licences.

In the high-risk industries of horticulture, meat and poultry processing, commercial cleaning, and security, these standard conditions act to further:

- increase transparency, by ensuring all workers receive information on their rights, and through reporting on the use of subcontractors, payroll services, and any change in industry
- enforce integrity, through restrictions on cash payments, the use of independent contractors and subcontractors, and clear requirements around accommodation and provision of PPE.

Other licence requirements

To maintain their licence, labour hire providers must comply with any licence conditions, as well as with their other legal and licensing obligations, including to:

- comply with relevant laws and standards
- ensure all relevant persons are 'fit and proper'
- notify LHA within 30 days of changes to the business or its relevant persons
- provide annual reporting and respond to LHA communication.

Worker accommodation: what you need to do

To comply with the licence conditions on worker accommodation, labour hire providers must:

- ensure housing procured for or provided to workers meets the applicable minimum standards
- take reasonable steps to ensure it remains compliant throughout the time workers live there.

Regardless of other parties involved – such as real estate agents, property owners or operators of a motel, rooming house or caravan park – labour hire licence holders are ultimately responsible.

You must comply with your licence conditions, as well as any other accommodation standards that may apply to housing you procure or provide for your workers.

LHA undertakes inspections of accommodation provided by licence holders to monitor compliance. If housing is found to be substandard, LHA may require you to move workers to alternative premises and/or to cease or refund deductions made from workers' wages for accommodation.

Establish compliant accommodation

When initially sourcing accommodation, ensure it meets all applicable standards. If required, engage a reputable adviser to confirm the standards that apply, and assess compliance with those standards.

Along with other requirements, you should check to ensure the property meets standards for:

- maximum occupancy of bedrooms
- the number and location of smoke alarms (refer to the [Building and Plumbing Commission](#))
- facilities and safety.

To protect your legal interests, and your workers, you should enter into a written agreement with any third party engaged to procure accommodation for your workers.

Ensure the accommodation is registered with the relevant local council, unless an exception applies under the Public Health and Wellbeing regulations. Notify LHA as soon as possible if you experience any delays, or if council advises that you do not need to register the accommodation.

Establish compliance processes

To comply with licence conditions on worker accommodation, you should establish and document processes for:

- regular monitoring of the condition of the accommodation
- maintenance and repairs
- collecting regular feedback from workers on their comfort and wellbeing
- monitoring ongoing compliance with minimum standards.

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Ensure ongoing compliance

The licence conditions on worker accommodation provide examples of steps that LHA considers reasonable to ensure the accommodation you procure or provide for your workers remains compliant.

- Ensure your established compliance processes are fully implemented and followed – by you, your employees, and any third parties with accommodation responsibilities.
- Promptly address any emerging maintenance or repair requirements.
- Importantly, ensure that – when workers move into or out of the accommodation – standards continue to be met, especially around bedroom occupancy and provision of facilities.

You must notify LHA within 30 days if accommodation you have procured or provided to your workers no longer complies with the licence conditions or any other applicable minimum standards. Notify LHA by email via enquiries@labourhireauthority.vic.gov.au, including:

- the reason(s) the accommodation no longer complies
- steps you have taken, or plan to take, to address the non-compliance
- steps you will take to ensure the non-compliance does not re-occur.

Requesting a variation

Within 14 days of the licence conditions on worker accommodation being applied, you can make submissions or an objection to LHA, which will be considered in LHA's decision to apply conditions.

Outside this 14-day period, you may apply to LHA to vary your licence conditions if you have specific and significant reasons why these standard conditions should not apply.

Applications can be submitted by email to enquiries@labourhireauthority.vic.gov.au. Include details of your specific and significant reasons, along with the region the accommodation is located and the steps you have already taken to comply.

If the accommodation is non-compliant, providers must seek alternative accommodation for their workers while any submission is considered.

More information

For more information about licence conditions, visit labourhireauthority.vic.gov.au/licence-conditions

For general enquiries on labour hire licensing or licence conditions, contact LHA's Enquiries team by email at enquiries@labourhireauthority.vic.gov.au or by phone on 1300 545 200. For advice on your specific circumstances, LHA recommends engaging a reputable business or legal adviser.



labourhireauthority.vic.gov.au

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