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Llywodraeth Cymru  
Welsh Government

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## Consultation – summary of response

Agricultural Sector (Wales) Act 2014 Consultation

Consultation on the operation and effectiveness of the Agricultural Sector (Wales) Act 2014, between 2014 and 2017.

May 2018

**Brief overall summary of consultation responses.**

There were 12 responses. 5 supported the continuance of the Act, 2 did not support it and 5 had no strong view either way.

The 12 respondents were - Practical Farm Ideas, National Parks Wales, ADAS ( no comment), Country Landowners Association (CLA), The Water Regulations Advisory Scheme (no comment), National Farmers Union (NFU) Cymru, Farmers Union of Wales (FUW), UNITE, Natural Resources Wales (NRW), RSPB Cymru, The Tenant Farmers Association Cymru (TFA Cymru) and the Association of Labour Providers (ALP).

Some respondents saw a potential benefit of continuance on using wages orders as a safety net for agricultural workers and a means of encouraging training in the sector. Some thought the Act was unnecessary in whole or in part, for example, some thought wages orders were an unnecessary anachronism but saw a positive role for the Panel on skills and career development. Respondents generally acknowledged that there were currently many drivers for change and that the Act and the Panel should be allowed more time to make the impact they sought.

Reasons put forward to support discontinuance included the view that the Panel itself was too focussed on perpetuating arrangements developed in the past and a focus on the future was needed instead. Some respondents thought that agricultural wages in themselves were anachronistic, overly complex and reliance should be placed on the National Minimum Wages provision only.

All responses available on request

Farm Ideas	<p>Farm Ideas was of the view that the Act should be preserved but that implementation of it needs to change.</p> <p>The need to motivate farmers to undertake robust training is a key factor. The need for improved communication with farmers should be addressed with a wider inclusion of writers, consultants and innovative farmers.</p> <p>The industry would benefit from more radical and innovative leadership given the current climate of change.</p> <p>Minimum wage levels are essential to limit rural poverty.</p> <p>More clarity is needed on guidance to workers explaining their rights and entitlements.</p> <p>Cross border farms should be allocated to either England or Wales depending on the location of their postal address.</p>
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National Parks Wales	<p>National Parks Wales wanted to see an agriculture sector that is responsive adaptable and able to meet and benefit from contemporary demands to address environmental concerns.</p> <p>Though they were non committal on whether the Act should be preserved they felt that, should it continue, the Panel would need to embrace additional skill sets and expertise in order to respond to modern demands such as climate change, the UK leaving the EU and the absence of Common Agricultural Policy (CAP).</p>
ADAS	<p>ADAS stated that they wish to remain impartial so did not offer views.</p>
CLA	<p>The CLA's view was that the Act should not continue however they made suggestions on how the Panel could proceed.</p> <p>They saw that skills development is vital for the future success of the industry but that there was no longer a justification for setting minimum agricultural wage levels as there was little to distinguish needs in this sector from any other. They argued for a more future focussed approach rather than holding onto historic solutions.</p> <p>They asked if the Panel had considered how they do/should fit in with the land-use approach and whether this had been factored into their considerations. They wanted to see an assessment of skills and how specialist and technical skills could be factored into the wage structure of the Orders.</p> <p>The timing of the establishment of the Panel was acknowledged as being challenging – when the referendum result overshadowed the initial impact of the Panel and the issues the sector faces. The guidance on The 2016 Order was thought to be appropriate and helpful.</p>
The Water Regulations Advisory Scheme	<p>The Water Regulations Advisory Scheme had no comments to make as to whether or not the Act should be preserved.</p>
RSPB Cymru	<p>RSPB Cymru made no clear statement about the continuation of the Act but implied that it should continue.</p> <p>They saw a need for farmers and landowners to be informed and trained in the principles of sustainable land management and believe the Panel's Sub-committee could contribute by ensuring continuous skills development focuses on this.</p> <p>They believe the Panel must reflect the wider demands on the agricultural sector in Wales and should include a wider representation of stakeholders including environmental representation. In their view this would provide environmental and ecological input as well as an</p>

	<p>understanding of the principles of sustainable management of natural resources.</p>
<p>ALP – Association of Labour Providers</p>	<p>The Association is of the view that there is no clear or logical justification for maintaining special arrangements for this sector above any other where low pay is an issue.</p> <p>The ALP considers that there are issues arising from the scope of the Act – and the complexity of implementation in such areas as sick pay, the inter relationship with wider employment law and the definitions of what constitutes an agricultural worker.</p>
<p>NRW – Natural Resources Wales</p>	<p>Natural Resources Wales thought the Act should be preserved.</p> <p>Their response is focussed on the role of the Skills Development and Training Sub-Committee which they see will be increasingly important following the UK's exit from the EU.</p> <p>They would like to see the Act preserved as a mechanism to ensure the development of a highly trained, innovative agricultural workforce, skilled in natural resource management and aware of the links with other sectors in order to meet with resource management challenges and opportunities which now lie ahead.</p> <p>Improved dissemination of the work of the Panel on this would be of benefit to the industry in NRW's view.</p>
<p>Farmers' Union of Wales</p>	<p>The Farmers' Union Wales thought the Act should be preserved and more time given to for the Panel to develop.</p> <p>They thought the Panel's priority should be to encourage a career development profile for the youth which could draw them into the industry and give them time to develop. They highlighted the importance of encouraging schools and further education establishments to promote agriculture, food and wider land based industries such as game keeping and equine activities. They thought that the availability of suitable curricula in rural studies/agriculture at secondary comprehensive and college level as a pre-cursor to a successful higher education in agriculture would benefit from the influence of the Panel.</p> <p>They agreed there was overall benefit of a minimum wage structure but expressed a view that the Wages Order banding system was outdated. They thought there was insufficient clarity as to which agricultural workers were covered by the Act and suggested that there could be an app to aid independent assessment of which pay grade was appropriate for workers. They referred to the provision for</p>

	<p>assessing the National Minimum Wage online as an example of good practice.</p> <p>They were concerned about the delay to the 2017 Order.</p> <p>They said that there was a need for increased awareness of the wage provisions, that farmers' awareness could be raised through Farming Connect and job centres could inform applicants of employment conditions and benefits.</p>
TFA	<p>TFA Cymru expressed no strong opinions as to whether the Act should be preserved but wanted to see the Panel implement the ideas it has developed.</p> <p>They suggested that the Panel should work more closely with organisations such as Farming Connect, the Young farmers Clubs, Lantra and TFA Cymru itself. They thought that there should be more of a focus on Brexit in the Panel's work.</p> <p>They are concerned that imposing minimum levels of hourly rates of pay on farmers could have a negative effect on the industry. They maintain that the problem of retail pricing needs to be addressed. Minimum rates add to the financial pressure on famers.</p> <p>They believe there needs to be increased awareness. They complain that the existing guidance is only available on-line and many farmers are not comfortable or able to use the internet. They highlighted the need for more uniformity dealing with cross border businesses.</p>
NFU	<p>NFU Cymru believes that the Panel has an important role to play in the promotion of careers in agriculture but questions the need to set wage rates for agricultural workers in Wales through legislation. They do not see this as necessary now that the National Minimum Wage and National Living Wage are in operation. The Union questions the value to the industry of agricultural wages orders and suggests that a thorough cost analysis is undertaken of implementation of the Act .</p> <p>They recognise that it is still early days for the Panel and highlight the need for a highly qualified motivated and well paid workforce in order to achieve a productive, progressive and profitable agricultural industry for Wales. They see a role for the Panel in achieving that through development skills provision.</p> <p>The guidance on the current 2016 Order is difficult to understand, they state, especially on issues such as holiday pay and sick pay. Should the Orders continue they would want to clearer guidance and suggest that online calculators would be useful to allow employers to work out entitlements for employees.</p>

	<p>They advise that communication of the provisions of agricultural wages orders needs more consideration and further clarification is needed too regarding cross-border working.</p>
<p>UNITE</p>	<p>Unite believes the Act should be preserved, that the Panel has had little time to establish itself as yet, but could be valuable in making employment within the industry an attractive proposition.</p> <p>Unite endorse the continuance of Agricultural Wages Orders though they expressed concerns over the delay in decision-making with regard to the 2017 Order.</p> <p>They believe the guidance on Wages Orders should contain advice for workers on how to raise issues such as under-payment of wages, or other breaches of the provisions.</p> <p>They believe there is a need to increase awareness of the agricultural minimum wage provisions. They believe that many workers are unaware of their rights and that employers may not be aware of their statutory duties.</p> <p>They also believe that there should be more consistency regarding cross-border working.</p>