



Llywodraeth Cymru  
Welsh Government

PUBLICATION

# Agricultural Advisory Panel Meeting: 11 May 2021

Summary of the meeting held online due to Covid-19 restrictions.

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## Present

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### Queries received by the Welsh Government regarding the draft Agricultural Wages Order 2021

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## Present

Chair – Nerys Llewellyn-Jones

Independents - Steve Hughson, Janatha Stout

Unite – Brian Troake, Ivan Monckton

FUW – Darren Williams

NFU Cymru - Will Prichard

Panel Legal Adviser - Helen Snow (Geldards)

Welsh Government - Ryan Davies (Panel Manager), Sian Hughes, Dan Ricketts (Secretariat).

Brian Troake apologised that he could only attend the first hour of the meeting.

## Queries received by the Welsh Government regarding the draft Agricultural Wages Order 2021

**This additional meeting had been called specifically to look at the queries received by the Welsh Government regarding the draft Agricultural Wages**

**Order 2021. All other regular agenda items were moved forward to the next meeting.**

The Chair welcomed everyone to the meeting and no new conflicts of interest were declared.

An outline of the latest situation was given to the Panel. The final queries from Welsh Government were submitted on Tuesday 4 May. After discussions today a further timeframe would be decided for any additional comments to be made but it was important to respond as soon as possible.

There were ten questions from the Welsh Government for the Panel to discuss:

*1. What is the rationale and basis for the new grading structure?*

- An example was given where potentially a potato picker could be paid three different rates of pay purely dependant on the process used (manual, machinery or in a factory setting).
- It was also noted that some of the terminology was outdated and this needed to be updated.
- The Panel did also consult with their counterparts in Scotland with regard to their ways of working during the modernisation process but it was decided to reject this with regards to Wales.

*2. For each of the proposed new grades, what is the equivalent grade under the Agricultural Wages Order 2020 (AWO 2020)?*

- It was confirmed the number of years' experience required does not need to be continuous and despite the grade changing for existing workers their pay would be protected (not go down) so there would not be a change of contract in that sense.
- It was accepted by all sides during lengthy negotiations there would be no loss of pay due to the protection provisions put in place so it was an agreed position by all members without the need for a vote.

*3. What is the basis and rationale for now including reference to a number of years' practical experience? How did the Panel arrive at a decision on the*

*particular number of years' practical experience required for in each of these new grades?*

- The decision was to give an incentive to those undertaking an Apprenticeship but also ensuring those who are not academically minded have a career path

*4. What is the rationale for removing the minimum rate of pay for workers under compulsory school age?*

- There was a consensus amongst the members but all could see both sides regarding this subject.
- Looking at a balance where it is not encouraging the employment of children under school leaving age but also not prohibiting for those that are keen to enter the industry
- The Panel agreed to the removal of a wage rate for those aged 15 and under and will review the messaging / communications in terms of how it should be interpreted externally
- The Panel agreed the rationale stated was very comprehensive and to continue with the proposal to reintroduce the National Minimum Wage age bands for Grades A and B.

*5. Please can you explain what the rationale is for reducing the rates of pay for the youngest agricultural workers?*

- The Panel want to encourage young workers to take up Apprenticeships
- The agriculture sector is bound by a 39 hour rule so overtime is paid for any additional hours worked
- In the Panel's expert opinion, very few people are now Grade 1 workers so most new entrants would start at Grade 2. This was a big step in wages and so this decision has "smoothed out" those increases – this would encourage the use of Apprenticeships and also encourage employers to employ young workers / new entrants to the industry.
- The issue regarding this disparity was being addressed with the 2021 Order due to the new grading structure – by rationalising and modernising the whole Order it was best to do it "all in one go"

*6. Why does the Panel consider the NMW age bands to be more appropriate than the bands in the previous Orders, or having no age bands at all as proposed by the Fair Work Commission?*

- Having wage bands in line with NMW/NLW regulations would help to simplify the Order and avoid any confusion
- Consideration was taken with regards to the Fair Work Commission report
- This was previously agreed by a majority decision of the Panel to continue with the proposal to reintroduce the National Minimum Wage age bands for Grades A and B.

*7. Can the Panel please confirm their reasoning for rejecting the Fair Work Commissions Real Living Wage recommendation?*

- The Panel made the decision based on the position regarding Brexit and Covid in 2020 however it will be revisited by the Panel on an annual basis.
- The Panel agreed to forward each sides proposals for pay and conditions as submitted in September 2020
- It was proposed to add in details of the discussions held and representations made in previous minutes

*8. Could the Panel please explain the rationale behind the removal of the Schedules and confirm how it is proposed that an 'equivalent qualification' will be determined in the absence of a definition or by reference to Schedules listing relevant awards and certificates of competence? We are of the view the qualification schedules should be reinstated and kindly ask the Panel to reconsider the proposal to remove them and redraft as necessary.*

- The consideration of this query is slightly different as Welsh Government have rejected the deletion of the Schedules from the Order rather than asking for the rationale behind the decision.
- Is there scope to provide a more detailed definition of "equivalent qualification" within the Order?
- The "old" schedules do not match the new grading structure so to reinstate them they would all need to be reviewed which is a massive piece of work.
- Can the work with Farming Connect and the Continuous Professional Development be included to ensure there is an alignment and skills relevant

to the employer are obtained?

- The Panel agreed to respond with a suggested drafting and more detailed definition of “equivalent qualification” as the other options are not workable solutions.
- The Panel agreed for Helen Snow and the Chair to work with Welsh Government to establish a way forward with any amended drafting requiring the approval of the Panel

*9. Agricultural Bereavement Leave Pay - We do not consider it sufficient that the definitions be contained within guidance. It should be contained in the Order. We kindly ask the Panel to redraft.*

- The Panel agreed to accept the recommendation and include relevant definitions within the Order

*10. Accommodation Offset Allowance - Is it the Panel's intention the rate for other accommodation should remain frozen at the 2012 rate, and if so what is the justification?*

- The rates are decided as part of the annual negotiations – there has to be some give and take and it has been agreed to freeze the rates as part of those negotiations.
- The details regarding the negotiation process would be included in the response to Welsh Government and referral would be made to the proposal documents.

The responses would be distributed to the Panel for any further comments.

## **Legislation Timetable**

Work was being undertaken by Welsh Government with regards to whether the timescale can be streamlined in any way. Once the timetable has been agreed it will be distributed to the Panel.

## **Next Meeting – Tuesday 25 May at 11am**

All members were thanked for their contributions to the meeting.



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