



Llywodraeth Cymru
Welsh Government

OPEN CONSULTATION, DOCUMENT

The Agricultural Wages (Wales) Order 2025 (consultation document)

We are seeking your views on changes to the Agricultural Wages Order 2024.

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The Agricultural Wages (Wales) Order 2025

The independent Agricultural Advisory Panel for Wales wishes to seek views on the Agricultural Wages Order 2025, containing changes to minimum wage rates and allowances and other conditions of employment for agricultural workers (“Agricultural worker” as per the definition of agriculture stated within the [Agricultural Sector \(Wales\) Act 2014](#)).

Opening: 18 October 2024

Closing: 15 November 2024

Background

This document seeks your opinion on the Panel’s proposed changes to the current rules, which would start on 1 April 2025. These proposals were made at the [Panel’s meeting on 9 – 10 September 2024](#).

The Agricultural Advisory Panel for Wales (“the Panel”) is an independent body that proposes the minimum rates of pay for agricultural workers and what their working conditions should be. They also encourage people to work in agriculture and seek to identify any skill needs the industry may have. The Panel are also duty bound to provide advice to the Welsh Government when requested.

The Panel includes members from different groups: the Farmers Union of Wales, National Farmers Union Cymru, Unite the Union, and three independent members.

Every year, the Panel reviews the minimum rates of pay and work conditions for agricultural workers, including sick pay and overtime allowance.

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When making decisions, the Panel review the economic situation in the agricultural sector in Wales. In addition, the effects of wider events like the UK's exit from the European Union (Brexit), the Covid-19 pandemic, and the war in Ukraine are considered.

Brexit has caused uncertainty in farming because of changes to trade deals, rules, and immigration policies. These changes can make it harder to source seasonal and skilled workers. Agricultural businesses can also have concerns about future financial support and payment rates, which can make planning difficult.

The war in Ukraine increased the cost of farming supplies and affected the availability and prices of food and animal feed around the world. At the same time, the cost of living has risen dramatically, which is tough for workers, especially those with low incomes living in rural areas where things like housing, transport, food, heating, and services are more expensive.

The Panel consult on their proposals before sending them to the Welsh Government for consideration. Once approved, the proposals become law in Wales.

In June 2023, a survey [[Survey of agriculture and horticulture: June 2023 | GOV.WALES](#)] showed that 12,000 people worked in agriculture in Wales, an increase of 5% since 2022[2]. This includes both regular workers (full-time and part-time) and casual workers. Some jobs, like shearing and harvesting, are done by contractors who are not counted in this survey because they are self-employed.

Section 1: minimum rates of pay

In preparation for these proposals for 2025, the Panel reviewed the current

minimum rates of pay for each grade of agricultural worker set out in the Agricultural Wages (Wales) Order 2024 (“Wages Order”), with the Farming Unions and Unite both inputting detailed evidence into the process. The subsequent Panel proposals for 2025 presented here for consultation were subject to a majority Panel vote.

The current minimum pay rates for the different grades of agricultural worker are shown in Table 1.

Table 1

Category of worker	Current NMW / NLW rate	Current Agricultural Minimum Wage rate
A1 – Agricultural development worker (16-17 years)	£6.40	£6.56
A2 – Agricultural development worker (18-20 years)	£8.60	£8.82
A3 – Agricultural development worker (21+ years)	£11.44	£11.73
B1 – Agricultural worker (16-17 years)	£6.40	£6.56
B2 – Agricultural worker (18-20 years)	£8.60	£8.82
B3 – Agricultural worker (21+ years)	£11.44	£11.79

Category of worker	Current NMW / NLW rate	Current Agricultural Minimum Wage rate
C – Agricultural advanced worker	-	£12.27
D – Senior agricultural worker	-	£13.46
E – Agricultural manager	-	£14.77
Apprentice Year 1	£6.40	£6.40
Apprentice Year 2 and beyond (16-17 years)	£6.40	£6.40
Apprentice Year 2 and beyond (18-20 years)	£8.60	£8.60
Apprentice Year 2 and beyond (21+ years)	£11.44	£11.44
Dog Allowance (per dog per week)		£10.16
Night Work Allowance		£1.93

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Category of worker	Current NMW / NLW rate	Current Agricultural Minimum Wage rate
Birth & Adoption Grant		£79.86
Accommodation Offset Allowance (House) (per week)		£1.79
Accommodation Offset Allowance (Other Accommodation) (per day)		£5.74

The Panel's suggested increases for the different grades of agricultural worker and allowances starting in April 2025 are shown in Table 2.

Table 2

Category of worker	Proposed rates from April 2025
A1 – Agricultural development worker (16-17 years)	NMW
A2 – Agricultural development worker (18-20 years)	NMW
A3 – Agricultural development worker (21+ years)	NLW
B1 – Agricultural worker (16-17 years)	NMW
B2 – Agricultural worker (18-20 years)	NMW

Category of worker	Proposed rates from April 2025
B3 – Agricultural worker (21 + years)	NLW +3.1%
C – Agricultural advanced worker	£12.69 + 6.193%
D – Senior agricultural worker	£12.69 + 16.515%
E – Agricultural manager	£12.69 + 27.864%
Apprentice Year 1	NMW Apprentice Rate
Apprentice Year 2 and beyond (16-17 years)	NMW Apprentice Rate
Apprentice Year 2 and beyond (18-20 years)	NMW Apprentice Rate
Apprentice Year 2 and beyond (21+ years)	NLW
Dog Allowance (per dog per week)	Increase by 10%
Night Work Allowance	Increase by 10%
Birth & Adoption Grant	Increase by 10%

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Category of worker**Proposed rates from April 2025**

Accommodation Offset Allowance (House) (per week)

Increase by 10%

Accommodation Offset Allowance (Other Accommodation) (per day)

Increase by 10%

The Low Pay Commission estimates that from April 2025, the National Living Wage (NLW) will be between £11.82 and £12.39 per hour, with an average of £12.10 per hour. [How we'll respond to our updated remit - GOV.UK \(www.gov.uk\)](#)

The UK Government has stated its intention to remove the 18–20-year-old pay band and apply the NLW to everyone 18 years old and older. Instead of doing this all at once, they plan to do it gradually, which is reflected in the proposed larger increases for this pay band.

Table 3 shows examples of the proposed minimum pay rates for farm workers using the potential increases estimated by the Low Pay Commission:

- £11.82 (lower estimate)
- £12.10 (average estimate)
- £12.39 (higher estimate)

The new NMW (National Minimum Wage) and NLW rates will be announced in October 2024 and will start on 1 April 2025. The proposed 2025 minimum wage rates for agricultural workers will be updated to reflect these changes.

These examples are just for illustration, and the actual pay rates will be based on the final NLW rates announced.

Table 3

Category of worker	NLW of £11.82	NLW of £12.10	NLW of £12.39
Grade A1	£6.61	£6.77	£6.93
Grade A2	£8.89	£9.10	£9.31
Grade A3	£11.82	£12.10	£12.39
Grade B1	£6.61	£6.77	£6.93
Grade B2	£8.89	£9.10	£9.31
Grade B3	£12.18	£12.48	£12.77
Grade C	£13.48	£13.48	£13.48
Grade D	£14.79	£14.79	£14.79
Grade E	£16.23	£16.23	£16.23
Apprentice Year 1	£6.61	£6.77	£6.93
Apprentice Year 2 and beyond (16-17)	£6.61	£6.77	£6.93

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Category of worker	NLW of £11.82	NLW of £12.10	NLW of £12.39
years)			
Apprentice Year 2 and beyond (18-20 years)	£8.89	£9.10	£9.31
Apprentice Year 2 and beyond (21+ years)	£11.82	£12.10	£12.39
Dog Allowance	£11.17	£11.17	£11.17
Night Work Allowance	£2.12	£2.12	£2.12
Birth & Adoption Grant	£87.95	£87.95	£87.95
Accommodation Offset (House)	£1.97	£1.97	£1.97
Accommodation Offset (Other)	£6.31	£6.31	£6.31

Questions

Question 1: Do you agree with the suggested minimum pay rates and allowances for agricultural workers starting 1 April 2025?

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If not, please explain why and what you think would be better.

Question 2: What do you think the effects will be on businesses, workers, and the farming industry as a whole (both good and bad)?

Section 2: simplification of the overtime provisions

The Panel have identified a lack of clarity on the rules governing overtime, and so aim to make the subject easier to understand for both employers and agricultural workers.

Please note there are different rules for workers hired before 1 October 2006, and those hired after.

The Panel's suggest changes to the Wages Order as follows:

Article	2024 Order	Proposed Changes to 2025 Order
2	"basic hours" ("oriau sylfaenol") means 39 hours of work per week, excluding overtime, worked in accordance with either an agricultural worker's contract or an apprenticeship;	"basic hours" ("oriau sylfaenol") means a maximum of 39 hours of work per week or any other hours of work agreed under the agricultural worker's contract or apprenticeship, excluding overtime and guaranteed overtime.

2	<p>“overtime” (“goramser”) means</p> <p>(a) in relation to an agricultural worker who began their employment prior to 1 October 2006, time that is not guaranteed overtime worked by the agricultural worker</p> <p>(i) in addition to an 8 hour working day,</p> <p>(ii) in addition to the agreed hours of work in their contract,</p> <p>(iii) on a public holiday,</p> <p>(iv) on a Sunday, or</p> <p>(v) in any period commencing on a Sunday and continuing to the following Monday up until the time that worker would normally start their working day;</p> <p>(b) in relation to all other agricultural workers, time that is not guaranteed overtime worked by the agricultural worker</p> <p>(i) in addition to an 8 hour working day</p> <p>(ii) in addition to the agreed hours of work in their contract, or</p> <p>(iii) on a public holiday.</p>	<p>“overtime” (“goramser”) means</p> <p>(1) in relation to an agricultural worker who began their employment prior to 1 October 2006, time that is not guaranteed overtime worked by the agricultural worker—</p> <p>(i) in excess of basic hours of work: or</p> <p>(ii) on a public holiday, or</p> <p>(iii) on a Sunday; or</p> <p>(iv) in any period commencing on a Sunday and continuing to the following Monday up until the time that worker would normally start their working day;</p> <p>(b) in relation to all other agricultural workers, who began their employment on or after 1 October 2006 time that is not guaranteed overtime worked by the agricultural worker</p> <p>(i) in excess of basic hours of work; or</p> <p>(ii) on a public holiday.</p>
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Questions

Question 3: Do you agree with the Panel’s goal to make the overtime rules easier to understand and use?

If not, please explain why.

Question 4: What do you think the effects will be on businesses, workers, and the farming industry as a whole (both good and bad)?

Section 3: removal of the pay protection provision

The Pay Protection rule in Article 14 of the Wages Order was made to protect agricultural workers' pay when the grading system changed on 22 April 2022. This rule ensured workers did not get paid less because of the new system. Minimum pay rates have now increased enough that this protection is no longer needed.

Questions

Question 5: Do you agree with removing Article 14 from the Agricultural Wages Order?

If not, please explain why and what you think would be better.

Question 6: What do you think the effects will be on businesses, workers, and the farming industry as a whole (both good and bad)?

Section 4: training costs

Article 17 of the Agricultural Wages (Wales) Order 2024 states that if an agricultural worker attends training with their employer's approval, their employer must pay for the course, travel, and accommodation.

The Panel proposes to amend this rule to ensure a fair balance between

employers and agricultural workers. It is therefore proposed an agricultural worker must repay training costs if they leave their employment within 12 months of completing the training in question. This is a common rule in many sectors. The Panel believe the proposed change is fair, provided it is mentioned made in the worker's contract.

The proposal does not apply to any training which has been funded through grants or other sources, only the money paid by the employer can be recovered. In addition, this proposal does not apply where the employer terminates the workers employment (unless it is for serious misconduct).

The Panel suggest changing Article 17 about Training Costs in the Wages Order as follows:

Article	2024 Order	Proposed Changes to 2025 Order
17	<p>(1) Where an agricultural worker attends a training course with the prior agreement of their employer, the employer must pay</p> <ul style="list-style-type: none">(a) any fees for the course, and(b) any travelling and accommodation expenses incurred by the agricultural worker attending the course. <p>(2) An agricultural worker who has been continuously employed at Grade A by the same employer for not less than 30 weeks is deemed to have received the approval of their employer to undertake training with a view to attaining the necessary qualifications required of a Grade B worker.</p>	<p>(1) Where an agricultural worker attends a training course with the prior agreement of their employer, the employer must pay—</p> <ul style="list-style-type: none">(a) any fees for the course, and(b) any travelling and accommodation expenses incurred by the agricultural worker attending the course. <p>(2) An agricultural worker who has been continuously employed at Grade A by the same employer for not less than 30 weeks is deemed to have received the approval of their employer to undertake training with a view to attaining the necessary qualifications required of a Grade B worker.</p>

(3) Any training undertaken by an agricultural worker in accordance with paragraph (2), is to be paid for by the employer.

(3) Any training undertaken by an agricultural worker in accordance with paragraph (2), is to be paid for by the employer.

(4) If the agricultural worker ceases employment during the training course or within 12 months of completing the training course the employer may recover the costs outlined in paragraph 1-

(a) to the extent that they have been funded by the employer and not by a third-party (e.g. by way of grant or other relevant subsidy); and

(b) provided that the agricultural worker's contract provides for such recovery of training costs

(5) The agricultural worker will not be required to repay any training costs where the employer has terminated their employment except where the employer was entitled to and did terminate the employment summarily.

Section 5: holiday entitlement and holiday pay for irregular hours and part year workers

The Panel proposes to make it easier to calculate annual leave entitlement and holiday pay for certain agricultural workers. These changes are based on updates to the Working Time Regulations 1998.

The proposals will help agricultural workers who work irregular hours or only part of the year. Instead of using a 52-week period to calculate holiday pay, they will use a percentage calculation based on the worker’s weekly holiday entitlement.

This calculation is:

Holiday entitlement in weeks / number of working weeks left in the year x 100

For example, if a worker has 6.3 weeks of holiday left and there are 45.7 working weeks left in the year, they will use this formula to figure out their holiday pay.

The changes will also allow employers to pay workers for their holiday time instead of giving them time off if the worker meets the right conditions.

The rules that will be changed are in Articles 2, 33, 36, and 38, and Schedule 2 of the Wages Order:

Article	2024 Order	Proposed Changes to 2025 Order
2		“irregular hours worker” has the meaning given in regulation 15F(1)(a) of the Working Time Regulations 1998.
2		“Part year worker” has the

Article**2024 Order****Proposed Changes to 2025 Order**

meaning given by regulation 15(F)(1)(b) of the Working Time Regulations 1998.

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Amount of annual leave for agricultural workers with variable working days employed throughout the annual leave year

1. Where an agricultural worker works their basic hours on a varying number of days each week, the number of days worked each week for the purposes of the Table in Schedule 2, is to be taken as an average of the number of qualifying days worked each week during the period of 52 weeks immediately preceding the commencement of the agricultural worker's annual leave and that average number of qualifying days must, where appropriate, be rounded to the nearest whole day.
2. At the end of the annual leave year the employer must calculate the agricultural worker's actual entitlement for the purposes of the Table in Schedule 2, based upon the number of qualifying days worked each week, taken as an average of the number of qualifying days worked each week during the annual leave year (i.e. over a period of 52 weeks) and the

Amount of annual leave for agricultural workers with variable working days or hours employed throughout the annual leave year

1. Where an agricultural worker works their basic hours on a varying number of days each week, the number of days worked each week for the purposes of the Table in Schedule 2, is to be taken as an average of the number of qualifying days worked each week during the period of 52 weeks immediately preceding the commencement of the agricultural worker's annual leave and that average number of qualifying days must, where appropriate, be rounded to the nearest whole day.

Article	2024 Order	Proposed Changes to 2025 Order
	<p>average number of qualifying days must be, where appropriate, rounded to the nearest whole day.</p>	
	<p>3. If at the end of the annual leave year, the agricultural worker has accrued but untaken holiday entitlement, the agricultural worker is entitled to carry forward any accrued but untaken holiday to the following annual leave year in accordance with article 35(3) of this Order or the agricultural worker and the employer may agree to a payment in lieu of any accrued but untaken holiday in accordance with article 38 of this Order.</p>	<p>2. If the agricultural worker is an irregular hours worker or a part year worker their entitlement may be calculated as a percentage of their actual hours worked based on the following calculation:</p>
		<p>(total holiday entitlement expressed in weeks set out in Schedule 2 ÷ remaining working weeks in the leave year) x 100</p>
	<p>4. If at the end of the annual leave year, the agricultural worker has taken more holiday days than they were entitled to under this Order, based on the average number of qualifying days worked per week (calculated in accordance with paragraph (2)), the employer is entitled to deduct any pay for holiday days taken in excess of the agricultural worker's entitlement or, in the alternative, deduct the holiday days taken in excess of the agricultural worker's entitlement from their entitlement for the following annual leave year (provided any such deduction does not result in the agricultural worker receiving less than their full statutory annual leave entitlement under the Working Time Regulations 1998).</p>	

Article	2024 Order	Proposed Changes to 2025 Order
36	<ol style="list-style-type: none"> 1. An agricultural worker is entitled to be remunerated in respect of each day of annual leave taken by them based on the agricultural worker's normal weekly pay. 2. The amount of holiday pay to which an agricultural worker is entitled under paragraph (1) is to be determined in accordance with regulation 16 of the Working Time Regulations 1998. 3. Any pay due to an agricultural worker under this article must be made not later than the agricultural worker's last working day before the commencement of the period of annual leave to which the payment relates. 	<ol style="list-style-type: none"> 1. An agricultural worker is entitled to be remunerated in respect of each day of annual leave taken by them based on the agricultural worker's normal weekly pay. 2. The amount of holiday pay to which an agricultural worker is entitled under paragraph (1) is to be determined in accordance with regulation 16 or regulation 16A of the Working Time Regulations 1998. 3. Irregular hours workers or part year workers may have their holiday pay paid by way of a percentage uplift to the agricultural worker's remuneration. The percentage applicable for calculating the uplift is determined in accordance with article 32(2).
38	(1) Subject to the conditions in paragraph (2),	(1) Subject to the conditions in

Article**2024 Order****Proposed Changes to 2025 Order**

an agricultural worker and their employer may agree that the agricultural worker is to receive payment in lieu of a day of the agricultural worker's annual leave entitlement.

(2) The conditions referred to in paragraph (1) are—

(a) the maximum number of days for which an agricultural worker can receive a payment in lieu of annual leave during any annual leave year is prescribed in the Table in Schedule 3;

(b) a written record is to be kept by the employer of any agreement that an agricultural worker will receive payment in lieu of a day's annual leave for a minimum of 3 years commencing at the end of that annual leave year;

(c) in circumstances where the agricultural worker does not work on a day as agreed in accordance with paragraph (1), that day is to remain part of the agricultural worker's annual leave entitlement;

(d) payment in lieu of annual leave is to be paid at a rate which comprises both the overtime rate specified in article 12 and holiday pay calculated in accordance with article 36 as if the day for which a payment in lieu of annual leave is made is a day on which the agricultural worker is taking annual leave.

paragraph (2), an agricultural worker and their employer may agree that the agricultural worker is to receive payment in lieu of a day of the agricultural worker's annual leave entitlement.

(2) The conditions referred to in paragraph (1) are—

(a) the maximum number of days for which an agricultural worker can receive a payment in lieu of annual leave during any annual leave year is prescribed in the Table in Schedule 3;

(b) a written record is to be kept by the employer of any agreement that an agricultural worker will receive payment in lieu of a day's annual leave for a minimum of 3 years commencing at the end of that annual leave year;

(c) in circumstances where the agricultural worker does not work on a day as agreed in accordance with paragraph (1), that day is to remain part of the

Article	2024 Order	Proposed Changes to 2025 Order
		<p>agricultural worker's annual leave entitlement;</p> <p>(d) payment in lieu of annual leave is to be paid at a rate which comprises both the overtime rate specified in article 12 and holiday pay calculated in accordance with article 35 as if the day for which a payment in lieu of annual leave is made is a day on which the agricultural worker is taking annual leave.</p> <p>(3) The provisions of this article do not prevent an agricultural worker who meets the definitions of irregular hours worker or part year worker from receiving an uplift in their pay in respect of the entirety of their holiday entitlement as set out in Article 35(3).</p>

Schedule 2

The annual entitlement in weeks has been added to Schedule 2

Schedule 2

Number of days worked each week by an agricultural worker	More than 6	More than 5 but not more than 6	More than 4 but not more than 5	More than 3 but not more than 4	More than 2 but not more than 3	More than 1 but not more than 2	1 or less
Annual leave entitlement (days)	38	35	31	25	20	13	7.5
<i>Annual leave entitlement (weeks)</i>	6.3	5.8	6.2	6.3	6.7	6.5	7.5

Questions

Question 7: Do you agree with the suggested changes to holiday time and holiday pay in the Wages Order?

If not, please explain why and what you think would be better.

Question 8: What do you think the effects will be on businesses, workers, and the farming industry as a whole (both good and bad)?

Section 6: unpaid leave

The Panel wants to ensure farm workers can take unpaid leave for caring responsibilities, be that caring for a loved one or parental leave. There are specific rules that employers must follow when workers ask for this leave under the Carer's Leave Regulations 2024 and Maternity and Parental Leave etc

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Regulations 1999

For example, if a worker requests carer's leave and meets the requirements, the employer cannot refuse, but can ask the worker to take the leave at a different time within a month.

The Panel wants to make sure the rules in the Wages Order match these rights and are clear for the worker and the employer. Therefore, they suggest changing the Wages Order as follows:

Article	2024 Order	Proposed Changes to 2025 Order
43	An agricultural worker may, with their employer's consent, take a period of unpaid leave.	An agricultural worker has the right to request a period of unpaid leave from their employer. Where the agricultural worker meets the eligibility requirements for parental leave under the Maternity and Parental Leave etc Regulations 1999 or carer's leave under the Carer's Leave Regulations 2024 the employer must respond in accordance with the relevant legislation.

Questions

Question 9: Do you think the order should be updated to include the legal requirements for carer's and parental leave?

If not, please explain why and what you think would be better.

Question 10: What do you think the effects will be on businesses, workers, and the farming industry as a whole (both good and bad)?

Technical and drafting amendments

The Panel has been notified by the Senedd's Legislation, Justice and Constitution Committee that some technical and drafting changes need to be made. The Panel propose to make the following changes to the Wages Order

Article	2024 Order	Proposed Changes to 2025 Order
2	<p>“apprenticeship framework” (“<i>fframwaith prentisiaethau</i>”) means any of the current Apprenticeship Frameworks for the agricultural sector in Wales published by Lantra on or before the date that this Order comes into force, or previous versions of the Apprenticeship Frameworks for the agricultural sector in Wales published by Lantra;</p>	<p>“apprenticeship framework” (“<i>fframwaith prentisiaethau</i>”) means any of the current Apprenticeship Frameworks for the agricultural sector in Wales issued by Welsh Government and published by Lantra on or before the date that this Order comes into force, or previous versions of the Apprenticeship Frameworks for the agricultural sector in Wales published by Lantra.</p>
2	<p>“child” (“<i>plentyn</i>”) has the meaning given in section 80EA of the Employment Rights Act 1996. A child will be the child of an agricultural worker if the agricultural worker satisfies the conditions specified in regulation 4(2) of the Parental Bereavement Leave Regulations 2020.</p>	<p>“child” (“<i>plentyn</i>”) has the meaning given in section 80EA of the Employment Rights Act 1996. A child is the child of an agricultural worker if the agricultural worker satisfies the conditions specified in regulation 4(2) of the Parental Bereavement Leave Regulations 2020.</p>

2 “employment” (“*cyflogaeth*”) means individuals engaged as employees, workers, agency workers and workers employed by gangmasters and “employed” (“*a gyflogir*”) and “employer” (“*cyflogwr*”) are to be construed accordingly;

“employment” (“*cyflogaeth*”) means individuals engaged as employees, workers, agency workers and workers employed by gangmasters.

2 “qualifying days” (“*diwrnodau cymwys*”) means days on which the agricultural worker would normally be required to be available for work including days on which the agricultural worker—

(a) was taking annual leave,
(b) was taking bereavement leave,
(c) was taking statutory maternity, paternity, shared parental or adoption leave, or
(d) was on a period of sickness absence;

“qualifying days” (“*diwrnodau cymwys*”) means (other than in article 21) days on which the agricultural worker would normally be required to be available for work including days on which the agricultural worker—

(a) was taking annual leave,
(b) was taking bereavement leave,
(c) was taking statutory maternity, paternity, shared parental, or adoption leave, or
(d) was on a period of sickness absence;

2 “the national minimum wage” (“*isafswm cyflog cenedlaethol*”) has the meaning given by section 10 of the Agricultural Sector (Wales) Act 2014

2 “working time” (“*amser gweithio*”) has the meaning given in regulation 2 of the

“work” (“*gwaith*”) means
(a) any period during which the

Working Time Regulations 1998 and for the purposes of this Order includes—

- (a) any time spent travelling by an agricultural worker for the purposes of their employment but does not include time spent commuting between their home and their place of work,
- (b) any period during which an agricultural worker is prevented from carrying out activities or duties in accordance with their contract or their apprenticeship due to bad weather,

and references to “work” (“gwaith”) are to be construed accordingly.

agricultural worker is working, at their employer’s disposal and carrying out their activity or duties,

- (b) any period during which the agricultural worker is receiving relevant training,

- (c) any time spent travelling by an agricultural worker for the purposes of their employment but does not include time spent commuting between their home and their place of work,

- (d) any period during which an agricultural worker is prevented from carrying out activities or duties in accordance with their contract or their apprenticeship due to bad weather.

16(b) an on-call allowance of a sum which is equivalent to three times the hourly rate of the agricultural worker according to their grade. The on-call allowance is payable in respect of every period the agricultural worker is on-call. The period of an on-call arrangement cannot exceed 24 hours,

2. an on-call allowance of a sum which is equivalent to three times the hourly rate of the agricultural worker according to their grade. The on-call allowance is payable in respect of every period the agricultural worker is on-call. The period of an on-call arrangement must not exceed 24 hours.

21(1) Agricultural sick pay will not be payable for the first 3 days sickness absence in circumstances where the duration of the sickness absence is less than 14 days.

Agricultural sick pay is not payable for the first 3 days sickness absence in circumstances where the duration of the sickness absence is less than 14 days.

22(5) For the purposes of calculations under this article, where an agricultural worker has been employed by their employer for less than 8 weeks, account must be taken of qualifying hours and qualifying days in the actual number of weeks of the agricultural worker's employment with their employer.

26(1) Subject to the provisions of paragraph (2), if an agricultural worker who is entitled to agricultural sick pay under this Part is paid more agricultural sick pay than their entitlement, their employer can recover the overpayment of such agricultural sick pay by deduction from that agricultural worker's wages.

Subject to the provisions of paragraph (2), if an agricultural worker who is entitled to agricultural sick pay under this Part is paid more agricultural sick pay than their entitlement, their employer may recover the overpayment of such agricultural sick pay by deduction from that agricultural worker's wages.

41(2) For the purposes of paragraph (1), persons in Category A are—

1. a child.

For the purposes of paragraph (1), persons in Category A are a child.

42(5) Subject to paragraph (7), where this article applies the amount of an

Subject to paragraph (7), the amount of an agricultural worker's entitlement to

agricultural worker's entitlement to bereavement leave following the death of a person within Category C is to be calculated according to the following formula

$(DWEW / 5) \times 2$

bereavement leave following the death of a person within Category C is to be calculated according to the following formula

$(DWEW / 5) \times 2$

43 (1) The amount of pay in respect of bereavement leave following the death of a person in Category A is, for the first four days, or where the agricultural worker works their basic hours on 4 days a week or less the number of days calculated in accordance with article 42(3), to be determined in accordance with the provisions of article 36 as if the first day of the agricultural worker's bereavement leave was the first day of that worker's annual leave. For the remainder of any period of bereavement leave the agricultural worker shall be entitled to an amount equivalent to statutory parental bereavement leave pay applicable from time to time.

(2) Any agricultural bereavement leave pay paid to the agricultural worker in accordance with article 43(1) is inclusive of any statutory parental bereavement leave pay that the agricultural worker may be entitled to for the same period.

(3) The amount of agricultural

(1) The amount of pay in respect of bereavement leave following the death of a person in Category A is, for the first four days, or where the agricultural worker works their basic hours on 4 days a week or less the number of days calculated in accordance with article 42(3), to be determined in accordance with the provisions of article 36 as if the first day of the agricultural worker's bereavement leave was the first day of that worker's annual leave. For the remainder of any period of bereavement leave the agricultural worker is entitled to an amount equivalent to statutory parental bereavement leave pay applicable from time to time.

(2) Any agricultural bereavement leave pay paid to the agricultural worker in accordance with paragraph (1) is inclusive of any statutory parental bereavement leave pay that the agricultural worker may be entitled to for the same period.

bereavement leave pay to which an agricultural worker is entitled to following the death of a person in Category B or C is to be determined in accordance with the provisions in article 36 as if the first day of the agricultural worker's bereavement leave was the first day of that worker's annual leave.

(3) The amount of agricultural bereavement leave pay to which an agricultural worker is entitled to following the death of a person in Category B or C is to be determined in accordance with the provisions in article 36 as if the first day of the agricultural worker's bereavement leave was the first day of that worker's annual leave

Question

Question 11: Do you agree with the technical and drafting changes?

If not, can you explain why and suggest what changes should be made instead?

Every year, the Panel checks every article in the Wages Order [The Agricultural Wages \(Wales\) Order 2024 \(legislation.gov.uk\)](#) to see if any other changes are needed. This year, they decided that no changes were needed for the terms and conditions listed in Table 4.

Table 4

Article number	Subject
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Article 2	Definitions of "agriculture", "agricultural worker", "birth and adoption grant", "compulsory school age", "consumable produce", "guaranteed overtime", "hours", "night work", "normal weekly pay" "on call", "output work", panel", "sickness absence" and "travelling".
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Article number	Subject
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Article 3	Terms and conditions of employment.
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Articles 4 to 9	Grades and categories of agricultural workers.
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Article 10	Apprentices.
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Article 11	Minimum rates of pay.
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Article 12	Minimum rates of pay for overtime.
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Article 13	Minimum rates of pay for output work.
------------	---------------------------------------

Article 18	Entitlement to agricultural sick pay.
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Article 19	Qualifying conditions for agricultural sick pay.
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Article 20	Periods of sickness absence.
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Article 23	Agricultural sick pay and statutory sick pay.
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Article 24	Payment of agricultural sick pay
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Article 25	Employment ending during sickness absence.
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Article 27	Damages recovered for loss of earnings.
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Article number	Subject
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Article 28	Rest periods.
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– 30

Article 31	Annual leave year.
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Article 32	Amount of annual leave for workers with fixed working days.
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Article 34	Amount of annual leave for workers employed part of the year.
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Article 35	Timing of annual leave.
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Article 37	Public holidays and bank holidays.
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Article 39	Payment of holiday pay when employment ends.
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Article 40	Recovery of holiday pay.
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Articles 43	Agricultural bereavement leave pay.
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Schedule 3	Payment instead of annual leave.
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Questions

Question 12: Do you agree that the rest of the Articles should stay the same? If not, can you explain why and suggest what changes should be made instead?

Question 13: Do you have any other comments about the Wages Order?

Question 14: We would greatly appreciate it if you could tell us about yourself or your organisation. Include details like your job, the sector you work in, your employees (including the number of farm workers, their grades, and pay rates), and anything else you think is important.

Effects on the Welsh Language

The Order will help to maintain cohesive and thriving Welsh-speaking communities in areas where agricultural employment is a dominant career option. Sustainability of rural communities is supported by the economic impact of fair minimum rates of pay and recognition of the skills within the grade structure.

There is a clear positive impact on the language therefore as there are intrinsic links between the economy, community and language. Strengthening the 'offer' of agricultural work in Wales will also help to keep workers in the traditional Welsh Language 'heartlands' where agriculture is one of the main means of employment.

Question 15

What, in your opinion, would be the likely effects of the proposal on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

Question 16

In your opinion, could the proposals be formulated or changed so as to:

- have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or
- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

Consultation questions

Question 1: Do you agree with the suggested minimum pay rates and allowances for agricultural workers starting 1 April 2025?

If not, please explain why and what you think would be better.

Question 2: What do you think the effects will be on businesses, workers, and the farming industry as a whole (both good and bad)?

Question 3: Do you agree with the Panel's goal to make the overtime rules easier to understand and use?

If not, please explain why.

Question 4: What do you think the effects will be on businesses, workers, and the farming industry as a whole (both good and bad)?

Question 5: Do you agree with removing Article 14 from the Agricultural Wages Order?

If not, please explain why and what you think would be better.

Question 6: What do you think the effects will be on businesses, workers, and the farming industry as a whole (both good and bad)?

Question 7: Do you agree with the suggested changes to holiday time and

holiday pay in the Wages Order?

If not, please explain why and what you think would be better.

Question 8: What do you think the effects will be on businesses, workers, and the farming industry as a whole (both good and bad)?

Question 9: Do you think the order should be updated to include the legal requirements for carer's and parental leave?

If not, please explain why and what you think would be better.

Question 10: What do you think the effects will be on businesses, workers, and the farming industry as a whole (both good and bad)?

Question 11: Do you agree with the technical and drafting changes?

If not, can you explain why and suggest what changes should be made instead?

Question 12: Do you agree that the rest of the Articles should stay the same?

If not, can you explain why and suggest what changes should be made instead?

Question 13: Do you have any other comments about the Wages Order?

Question 14: We would greatly appreciate it if you could tell us about yourself or your organisation. Include details like your job, the sector you work in, your employees (including the number of farm workers, their grades, and pay rates), and anything else you think is important.

Question 15

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- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

Question 16

In your opinion, could the proposals be formulated or changed so as to:

- have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or
- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

How to respond

Comments on these proposals should be submitted before **15 November 2024** so the Panel may submit advice to ministers as required by the Agricultural Sector (Wales) Act 2014.

Please submit your response in any of the following ways:

- [complete our online form](#)
- download, complete the [response form](#) and email AAP@gov.wales
- download, complete the [response form](#) and send to:

Agricultural Advisory Panel Manager

Welsh Government

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Llandrindod Wells
LD1 5LG

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- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

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Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 01625 545 745 or 0303 123 1113

Website

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The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations.

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You should also be aware of our responsibilities under Freedom of Information legislation. If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

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