

## **Summary of the Minutes of the Agricultural Advisory Panel (AAP) Meeting 11 – 4 September 2018**

Hafod y Hendre, Royal Welsh Showground, Llanelwedd, Builth Wells

### **Attendance**

Lionel Walford – Chair  
Peter Rees – Independent Member  
Steve Hughson – Independent Member  
Darren Williams – FUW  
Bernard Griffiths - FUW  
Will Prichard – NFU  
Dylan Morgan – NFU  
Kate Tandy - NFU  
Ivan Monckton - UNITE  
Paddy McNaught – UNITE  
Bridget Henderson - UNITE

Helen Snow – Geldards  
Luke Crossman - AHDB

Spencer Conlon – Welsh Government  
Ryan Davies – Welsh Government  
Karla Price – Welsh Government

### **Apologies**

Nick Fenwick – FUW  
David Swales - AHDB

### **Item 1 - Welcome**

The Chair welcomed attendees to the meeting noting two apologies. He also welcomed Bernard Griffiths (FUW) and Kate Tandy (NFU) to their first meeting and Luke Crossman (Guest Speaker – AHDB).

### **Item 2 – Update from Chair**

There was nothing to report

### **Item 3 – Approval of Notes of Last Meeting (14 June 2018)**

The minutes of the previous Panel's meeting were discussed and approved.

The Action Points from the last meeting were also discussed. The Panel were informed that the procedure around Impact Assessments had changed considerably but a full update would be given at the next meeting after appropriate training had been received.

A paper on Employment Status to consider the different categories of people on a farm will be put together and discussed at the next meeting.

The Panel held a discussion regarding the Farming Unions paper on the Structure of the Wages Order presented at the previous meeting. It was agreed that this would be discussed more fully later in the meeting.

#### **Item 4 – Commission Paper from AHDB**

Luke Crossman, guest speaker from AHDB, gave the Panel an informal presentation on the position now and post Brexit and the Implications for Wales.

#### **Item 5 – Broadband Provision in Wales**

Concerns were raised about broadband speeds particularly in rural areas and that BT cannot often connect to the nearest connection box if it is in a different postcode. It was felt that the Welsh Government should investigate the issue. It was agreed to put the concerns in writing to be escalated to the relevant department.

#### **Item 6 – Papers to note from the Brookdale LMI Study**

The Panel had a discussion around the documents with regard to modernising the Order and the data that would be required in order to do this. The Panel need to decide the way forward in preparing the Order for Wales – this will address the issue of which data is required. Welsh Government can then ask if this is available and if not how we can go about getting the data needed to ensure it is robust and will stand up to Impact Assessment

#### **Item 7 – Consideration of the Legal Issues raised by Helen Snow that need to be addressed for 2019 and the way forward for 2020**

Helen went through the paper that laid out just the purely legal issues that have been raised in relation to the Agricultural Wages Order 2018. It was reaffirmed that at the previous meeting on 14<sup>th</sup> June 2018 it was determined that the Panel would only seek to make minimal changes to the 2019 Order with a view to commencing consideration of wholesale changes in preparation for the 2020 Order. On that basis consideration of the issues included a recommendation as to whether they should be addressed in the 2019 Order or included as part of the wider changes considered for the 2020 Order. The issues were:

- Definition of “Apprentice” under Article 11 of the Order
- Age discrimination concerns regarding overtime
- “Qualifying days” as part of annual leave calculations and provisions

It was stated that the first and third issues can be dealt with relatively simply in the 2019 Order.

A new wording of Article 11 was discussed and unanimously agreed by the Panel. It was also discussed that the Panel change the definition of “qualifying days” within the Order to make it compatible with UK Employment Law.

To make it simpler for employers and employees it was agreed that an Executive Summary would be put at the front of the guidance to explain the changes for 2019.

It was stated that the Human Rights Commission had raised concerns over age discrimination with regard to agricultural wages. However there are grounds for justifying the age banding in the same way as the UK Government already sets age bands for the National Minimum Wage.

The Panel all agreed that this can be looked at under more wholesale changes for the 2020 Order onwards.

### **Items 8 and 9 – Presentation of Employer (Farming Unions) and Employee (Unite) Papers**

Both parties presented their papers in terms of their positions with regards to any rise in Agricultural Wages from 1<sup>st</sup> April 2019. It was agreed that both were excellent submissions and would now be discussed further.

### **Item 10 – Discussion of Draft 2019 Order**

It was agreed by the Panel that the grade structure would be left as it is for 2019 but it would be included in the modernisation of the Order from 2020 onwards. This will give the Panel time to obtain the additional data required.

The rates for 2019 were discussed. After three rounds of negotiations between the employers (NFU / FUW) and the employees (Unite) it was stated by the Independent members that there had been movement on both sides and even though we were not where we hoped to be both sides were content for a vote.

Proposal:

To accept the NFU/FUW 1.9% increase on all grades allowances: 4 for & 2 against.

To accept the Unite figure: 2 for and 4 against.

**Item 11 – Any Other Business**

There was no AOB and the Chair closed the meeting.