Agricultural Wages in Wales 2019

A Guide for Workers and Employers

Issue 3
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1. Introduction

The Agricultural Sector (Wales) Act 2014 (the Act) maintains the Agricultural Minimum Wage (AMW) arrangements in Wales, following the abolition of the Agricultural Wages Board (AWB) for England and Wales in 2013.

The Act provides for the establishment of an Agricultural Advisory Panel for Wales (the Panel). The Panel was established 1 April 2016. Its functions include reviewing wages and other terms and conditions of employment, drafting agricultural wages orders and promoting career development in the agricultural sector.

The Agricultural Wages (Wales) Order 2019 (‘the Order’) replaces the Agricultural Wages (Wales) Order 2018 and increases the minimum wages rates and certain allowances.

The statutory rates of pay and allowances specified by the Order will stay in force until a new Agricultural Wages Order is made.

This guidance provides information about conditions and levels of pay for six grades of agricultural workers, which are detailed in the Order. The Order sets out detailed descriptions for each grade.

For convenience, the main entries in this guidance have been separately cross referenced to the corresponding articles in the specific Order.

Information about Agricultural Minimum Wages can be found on the attached website https://www.gov.uk/national-minimum-wage-rates

For more information or for a copy of the Order and guidance, please contact:

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The information contained in this publication is provided as guidance only. It should not be seen as providing legal advice on the Order or on legal matters generally. If you are unclear about the terms or the effect of the Order, you should contact your legal adviser.

Please consult the Agricultural Wages (Wales) Order 2019 for details of the current pay and allowance levels.

2. Agricultural Wages Order 2019 – What You Need to Know

When did the Order come into force?

The Order revoked and replaced the Agricultural Wages (Wales) Order 2018. The 2019 Order came into force on 1 April 2019.

New Wage Rates

From the 1st April 2019 the new minimum rates of pay for Agricultural Workers will be as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>£ per hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade 1 (under 16)</td>
<td>£3.54</td>
</tr>
<tr>
<td>Grade 1 (aged 16 – 24)</td>
<td>£7.70</td>
</tr>
<tr>
<td>Grade 1 (aged 25+)</td>
<td>£8.21</td>
</tr>
<tr>
<td>Grade 2</td>
<td>£8.45</td>
</tr>
<tr>
<td>Grade 3</td>
<td>£8.70</td>
</tr>
<tr>
<td>Grade 4</td>
<td>£9.36</td>
</tr>
<tr>
<td>Grade 5</td>
<td>£9.88</td>
</tr>
<tr>
<td>Grade 6</td>
<td>£10.64</td>
</tr>
<tr>
<td>Apprentice Year 1</td>
<td>£4.00</td>
</tr>
<tr>
<td>Apprentice Year 2 (aged 16 – 17)</td>
<td>£4.29</td>
</tr>
<tr>
<td>Apprentice Year 2 (aged 18 – 20)</td>
<td>£6.15</td>
</tr>
<tr>
<td>Apprentice Year 2 (aged 21 – 24)</td>
<td>£7.70</td>
</tr>
<tr>
<td>Apprentice Year 2 (aged 25+)</td>
<td>£8.21</td>
</tr>
</tbody>
</table>

Other changes to allowance rates in the 2019 order are:

<table>
<thead>
<tr>
<th>Allowance</th>
<th>£ per hour</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dog Allowance</td>
<td>£8.17</td>
<td>Per Dog per Week</td>
</tr>
<tr>
<td>Night Time Work Allowance</td>
<td>£1.55</td>
<td>Per Hour of Night Work</td>
</tr>
<tr>
<td>Birth / Adoption Allowance</td>
<td>£64.29</td>
<td>For Each Child</td>
</tr>
</tbody>
</table>

Other Important Changes for 2019

Apprentices – changes to the Wages Order have seen the removal of Article 11(b) which will remove ambiguity relating to the definition of an apprentice ensuring that the definition of apprentice is not restricted to those 19 years of age or under.

Annual Leave Qualifying Days – the 2019 Order has amended the definition of Qualifying Days on which Annual Leave is calculated to include days on which agricultural workers take annual leave, bereavement leave, family leave or periods of sickness absence.
3. Agricultural Wages Orders

Who is affected by agricultural wages orders?

All employed agricultural workers in Wales, including workers employed by gang masters and employment agencies.

What is the relationship between the agricultural minimum wage and the National Minimum/Living Wage?

**It is intended that the National Living Wage rate will change on 1 April each year. The rate applies to all workers aged 25 and above, including agricultural workers.**

It is intended that the National Minimum Wage rates will also change on 1 April each year. The National Minimum Wage rates apply to agricultural workers under the age of 25, including agricultural workers.

Where the National Minimum Wage or the National Living Wage becomes higher than the minimum rate prescribed under the Order the National Minimum/Living Wage must be respected.
4. Minimum Rates of Pay for the Six Grades of Agricultural Worker

4.1 What are the current minimum rates of the agricultural minimum wage? (Schedule 4)

The 2019 Order contains minimum hourly rates of pay and terms and conditions of employment. The current applicable rates for grades 1 – 6 are set out below. The overtime rate remains unchanged at 1.5 x the appropriate rate below. For reference the minimum rates for 2018 are also shown.

<table>
<thead>
<tr>
<th>Grade</th>
<th>2019 Rates</th>
<th>2018 Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade 1 – Worker of compulsory school age (13-16)</td>
<td>£ 3.54</td>
<td>£ 3.47</td>
</tr>
<tr>
<td>Grade 1 – Worker (16-24 years of age)</td>
<td>£ 7.70</td>
<td>£ 7.38</td>
</tr>
<tr>
<td>Grade 1 – Worker (aged 25+)</td>
<td>£ 8.21</td>
<td>£ 7.83</td>
</tr>
<tr>
<td>Grade 2 – Standard Worker</td>
<td>£ 8.45</td>
<td>£ 8.29</td>
</tr>
<tr>
<td>Grade 3 – Lead Worker</td>
<td>£ 8.70</td>
<td>£ 8.54</td>
</tr>
<tr>
<td>Grade 4 – Craft Grade</td>
<td>£ 9.36</td>
<td>£ 9.16</td>
</tr>
<tr>
<td>Grade 5 – Supervisory Grade</td>
<td>£ 9.88</td>
<td>£ 9.70</td>
</tr>
<tr>
<td>Grade 6 – Farm Management Grade</td>
<td>£10.64</td>
<td>£10.48</td>
</tr>
</tbody>
</table>
4.2 At which grade should you be employed?

The Order differentiates between six grades of workers based on qualifications, work responsibility and experience in agriculture. An agricultural worker who can satisfy the criteria set out in Articles 5 – 9 of the Order or as a Grade 1 worker or an Apprentice must be employed at the relevant grade.

**An agricultural worker who has management responsibility for any of the following:**
- The entire employer’s holding
- Hiring and managing staff
- Part of the employer’s holding which is run as a separate operation or business

**NO**

**An agricultural worker required to have day to day responsibility for any of the following:**
- Supervising the work carried out on the employer’s holding
- Implementing management decisions
- Managing staff

**NO**

**An agricultural worker who can provide documentary evidence to an employer that they hold a total of 8 qualifications which are either:**
- Awards for certificates of competence listed in Schedule 1
- National Vocational Qualifications relevant to their work or
- One of the awards or certificates of competence listed in Schedule 3

**AND** have either been:
- Employed in agriculture for an aggregate period of at least 2 years in the last 5 years
- Continuously employed for a period of at least 12 months or more by the same employer since obtaining the qualifications referred to above

**YES**

**GRADE 4 Worker**

**NO**

**An agricultural worker employed in agriculture for a total period of at least 2 years in the last 5 years AND has documentary evidence of holding any of the following qualifications:**
- One of the awards or certificates listed in Schedule 2
- A relevant NVQ
- An equivalent qualification
- Or is designated a Team Leader

**YES**

**GRADE 3 Worker**

**NO**

**An agricultural worker who can provide documentary evidence that they hold any of the following:**
- Award or Certificate of Competence listed in Schedule 1
- A relevant NVQ or an equivalent qualification

**OR** is required to do any of the following:
- Work with animals
- Work with powered machinery
- Drive an agricultural tractor
- Work without supervision

**NO**

**On an Apprenticeship programme?**

**YES**

Entering the 3rd year of the Apprenticeship programme?

**YES**

**GRADE 2 Worker**

**NO**

Workers not in any of the categories above will be Grade 1 Worker

**NO**

IS AN APPRENTICE
5. What are the Overtime Rates (Article 13)?

Agricultural workers are entitled to be paid at overtime rates for time worked:

- in addition to 8 hours in any day;
- beyond the hours specified in their contract of service;
- on a public or bank holiday.

Overtime rates are specified as 1.5 times above the applicable basic hourly pay of the worker for all grades and categories of workers.

In addition, workers who were engaged under a contract of employment which started before 1 October 2006 must be paid for time worked which is not guaranteed overtime and which is:

- in addition to an 8 hour working day;
- in addition to the agreed hours of work in their contract of service;
- on a public holiday;
- on a Sunday;
- on a Monday continuing work from the previous day. The worker would be entitled to receive overtime pay for any hours worked up to their normal starting time on the Monday (if they have one).
6. When is an Agricultural worker classed as an Apprentice (Article 11)?

An agricultural worker is classed as an Apprentice when they are employed under either a contract of apprenticeship, an agreement within the meaning of section 32 of the Apprenticeships, Skills, Children and Learning Act 2009, or are treated as if employed under a contract of apprenticeship.

Apprenticeships in Wales are a way to earn a wage and work alongside experienced staff to gain job-specific skills. An Apprentice must have a contract of employment, regular wage, paid holidays and the same benefits as other employees. Apprenticeships in agriculture can take between one and four years to complete and there are three levels available:

- Foundation Apprenticeship, Apprenticeship and Higher Apprenticeship.

6.1 What are the minimum rates of pay for Apprentices (Schedule 4)?

<table>
<thead>
<tr>
<th>Apprentice Year and Age</th>
<th>Minimum Rate 2019</th>
<th>Minimum Rate 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1 Apprentice</td>
<td>£ 4.00</td>
<td>£ 3.93</td>
</tr>
<tr>
<td>Year 2 Apprentice (aged 16-17)</td>
<td>£ 4.29</td>
<td>£ 4.21</td>
</tr>
<tr>
<td>Year 2 Apprentice (aged 18-20)</td>
<td>£ 6.15</td>
<td>£ 5.90</td>
</tr>
<tr>
<td>Year 2 Apprentice (aged 21-24)</td>
<td>£ 7.70</td>
<td>£ 7.38</td>
</tr>
<tr>
<td>Year 2 Apprentice (aged 25+)</td>
<td>£ 8.21</td>
<td>£ 8.05</td>
</tr>
</tbody>
</table>
7. Holiday Entitlement (Articles 30 – 38, Schedules 5 and 6)

All workers covered by the 2019 Order are entitled to annual leave and other types of leave, as set out in the Order.

The calculation of holiday pay includes any allowances paid to the Agricultural Worker on a consistent basis, including overtime. This is line with recent case law which affected the calculation on holiday pay in other sectors.

The holiday year begins on 1 October in one year and ends on 30 September of the following year. Accrual of annual leave is at a rate of 1/52nd of the annual leave entitlement specified in the table below for each completed week of service.

The table below shows the holiday entitlement for workers who work for 52 weeks in the holiday year for the same employer. Workers who work for only part of the holiday year are entitled to a reduced amount of leave under the Order.

<table>
<thead>
<tr>
<th>Days Worked Each Week</th>
<th>Holiday Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 6</td>
<td>38</td>
</tr>
<tr>
<td>More than 5 but not more than 6</td>
<td>35</td>
</tr>
<tr>
<td>More than 4 but not more than 5</td>
<td>31</td>
</tr>
<tr>
<td>More than 3 but not more than 4</td>
<td>25</td>
</tr>
<tr>
<td>More than 2 but not more than 3</td>
<td>20</td>
</tr>
<tr>
<td>More than 1 but not more than 2</td>
<td>13</td>
</tr>
<tr>
<td>1 or less</td>
<td>7.5</td>
</tr>
</tbody>
</table>

If a worker is not required to work on a public or bank holiday but this day would be his or her normal working day, then the day is treated as a day of annual leave.

However, if the worker does work on a public holiday or bank holiday they must be paid at the overtime rate for their grade or category, for the hours worked.

It is possible for a worker to receive payment in lieu of holiday as part of their annual leave entitlement, if agreed by their employer. The maximum number of days which may be bought out in any leave year is shown in the table below.

<table>
<thead>
<tr>
<th>Days Worked Each Week</th>
<th>Maximum Days That May Be Bought Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 6</td>
<td>10</td>
</tr>
<tr>
<td>More than 5 but not more than 6</td>
<td>7</td>
</tr>
<tr>
<td>More than 4 but not more than 5</td>
<td>3</td>
</tr>
<tr>
<td>More than 3 but not more than 4</td>
<td>2.5</td>
</tr>
<tr>
<td>More than 2 but not more than 3</td>
<td>2.5</td>
</tr>
<tr>
<td>More than 1 but not more than 2</td>
<td>1.5</td>
</tr>
<tr>
<td>1 or less</td>
<td>1.5</td>
</tr>
</tbody>
</table>
7.1. Holiday Pay (Article 34)

If a worker takes leave to which they are entitled under the Order they must be paid for each day (or part of a day) of leave taken. If a holiday of less than one day is taken, the holiday pay should correspond to the amount of the day taken. For example, if a worker takes half a day of holiday they are entitled to half a day's holiday pay.

The amount of holiday pay due to a worker depends on whether the worker's gross pay is the same from week to week or whether it varies.

**Holiday pay for workers earning the same amount each week**

If the worker's gross pay is the same from week to week then the amount of holiday pay is calculated as follows:

1. Calculate the amount of the worker's gross contractual weekly pay (including any overtime pay and allowances paid to the worker on a consistent basis).
2. Divide that amount (from 1) by the days worked each week by the worker.
3. The resulting figure is the amount of holiday pay the worker is entitled to for one day of annual leave. Holiday pay for part of a day of annual leave is to be calculated as a proportion of the amount that would be payable for a full day of annual leave.

**Example**

A worker is employed at Grade 2, contracted to work 30 hours per week (without guaranteed overtime) and works 5 days per week:

1. £8.45 (hourly pay of Grade 2 worker) x 30 = £253.50
2. £253.50 ÷ 5 (days worked per week) = £50.70
3. The amount of holiday pay is £50.70 per day for the worker.

If the worker is taking a half-day as leave, then the amount of holiday pay is £25.35 which is half of the full day holiday pay of £50.70

7.2 Holiday pay for workers with varied weekly earnings

If the worker's gross pay varies from week to week then the amount of holiday pay is calculated by taking the worker's average pay over a period. The period for calculating average pay is 12 weeks. If the worker has been employed for fewer than 12 weeks, the calculation uses the actual number of weeks for which pay is due to the worker. A day of holiday pay is calculated as follows:

1. Add up the total gross contractual pay including any overtime pay and allowances paid to the worker on a consistent basis) due to the worker in the period of 12 weeks (or actual number of weeks for which pay is due to the worker if fewer than 12) immediately preceding the commencement of the worker's holiday.
2. Divide the total (from 1) by 12 (or actual number of weeks for which pay is due to the worker if fewer than 12), to ascertain the average weekly pay received by the worker.
3. Divide the average weekly pay (from 2) by the days worked each week.
Example:
A worker employed at Grade 3 with varying hours, working 5 days a week:

<table>
<thead>
<tr>
<th>Week</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours worked</td>
<td>20</td>
<td>25</td>
<td>30</td>
<td>32</td>
<td>30</td>
<td>39</td>
<td>25</td>
<td>28</td>
<td>19</td>
<td>33</td>
<td>25</td>
<td>33</td>
</tr>
<tr>
<td>Weekly pay (£)</td>
<td>174.00</td>
<td>217.50</td>
<td>261.00</td>
<td>278.40</td>
<td>261.00</td>
<td>339.30</td>
<td>217.50</td>
<td>243.6</td>
<td>165.3</td>
<td>287.10</td>
<td>217.50</td>
<td>287.10</td>
</tr>
</tbody>
</table>

1. Average weekly pay for the 12 week period = £2949.3 ÷ 12 = £245.78
2. Daily rate = £245.78 ÷ 5 = £49.16

The worker is entitled to £49.16 per day in holiday pay. If the worker is taking a half day leave then the amount of holiday pay is £24.58, half of the full day holiday pay (£49.16)

Example:
A worker with varying working days a week:

If the days worked each week by the worker vary, then it is important to calculate the average days worked each week. This can be calculated by adding the number of days worked each week over a 12 week period and divide it by 12.

Using the same example as above:

<table>
<thead>
<tr>
<th>Week</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours worked</td>
<td>20</td>
<td>25</td>
<td>30</td>
<td>32</td>
<td>30</td>
<td>39</td>
<td>25</td>
<td>28</td>
<td>19</td>
<td>33</td>
<td>25</td>
<td>33</td>
</tr>
<tr>
<td>Days Worked</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>6</td>
<td>5</td>
<td>4</td>
<td>5</td>
<td>3</td>
<td>5</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

1. Average days worked per week over the 12 week period = 54 ÷ 12 = 4.5
2. Average weekly rate = 4.5 x the daily rate of £49.16 = £221.22
8. Are workers entitled to Agricultural Sick Pay (ASP)? (Articles 18–27)

Under the 2019 Order an agricultural worker is entitled to receive sick pay from their employer. Sickness absence means absence from work due to:

- any illness suffered by the agricultural worker;
- illness or incapacity caused by pregnancy or maternity;
- an injury that occurs at the place of work;
- an injury that occurs travelling to or from the place of work;
- time spent recovering from an operation caused by an illness;
- time spent recovering from an operation in consequence of an injury suffered at their place of work or an injury suffered whilst travelling to or from their place of work.

It does not include:

- any injury suffered when not at their place of work;
- any injury suffered when not travelling to or from their place of work.

The worker qualifies for sick pay if they have been working for the same employer for at least 52 weeks. The sick pay entitlement varies according to the length of time the worker has been employed by the same employer (please see table below).

<table>
<thead>
<tr>
<th>Number of months the worker has been continuously employed</th>
<th>Number of weeks Agricultural Sick pay Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least 12 but not 24</td>
<td>13</td>
</tr>
<tr>
<td>At least 24 but not 36</td>
<td>16</td>
</tr>
<tr>
<td>At least 36 but not 48</td>
<td>19</td>
</tr>
<tr>
<td>At least 48 but not 59</td>
<td>22</td>
</tr>
<tr>
<td>More than 59</td>
<td>26</td>
</tr>
</tbody>
</table>

When a worker falls ill they must immediately inform their employer.

If the illness lasts for eight days or more the worker must provide their employer with a medical certificate (doctor’s note stating fitness to work).

Payment for absence from work due to sickness is generally made for all normal working days up to the maximum number of ASP days to which the worker is entitled under the Order.

ASP will not be payable for the first 3 days in situations where the duration of the sickness absence is less than 14 days.

An employer must pay sick pay weekly on the worker’s normal pay day during and immediately after the end of the period of absence. Each payment must be for at least the amount that the employer knows is due to the worker for any normal working days in respect of which the worker is entitled to be paid in that period.

Any 2 periods of sickness absence which are separated by a period of not more than 14 days must be treated as a single period of sickness.
8.1 How do we determine the amount of Agricultural Sick Pay (ASP) (Article 22)?

ASP is payable at a rate which is equivalent to the worker’s minimum hourly rate of pay at the applicable grade. Any payment of Statutory Sick Pay will be deducted from the calculation of the ASP.

The amount is determined by calculating the number of daily contractual hours that would have been worked during a period of sickness absence. The worker is entitled to their basic pay for these hours.

Worker with fixed number of weekly hours

In circumstances where the agricultural worker works a fixed number of hours each week, the entitlement is established by:

1. Dividing the total number of hours worked during a week by the number of days worked in that week.
2. The amount payable is worked out by multiplying the minimum hourly rates applicable to the worker’s grade by the number of (working) days the worker has been off due to sickness.
3. If the sickness absence is less than 14 days in total, take away the first 3 days of the sickness absence before calculating the entitlement.

Example

If a Grade 4 worker is contracted to work 30 hours each week spread over 5 days, the daily contractual hours worked is:

30 ÷ 5 = 6 hours (1 day)

Therefore, if the worker was sick for 8 days then the ASP is calculated for 5 days (as ASP does not apply to the first 3 days of sickness absence).

1 day (6 hours) = 6 x £9.36 (the workers’ basic hourly rate) = £56.16

The worker is entitled to 5 x daily rate =£280.80 ASP.

Worker with varying number of weekly hours

In circumstances where a worker works a varying number of hours each week in accordance with their contract of service or apprenticeship, the following steps need to be followed to calculate the weekly and daily contractual hours:

1. Add up the weekly hours worked during an 8 week period.
2. Divide this total figure by 8. This will provide the average hours worked per week.
3. Divide the average hours worked with the number of days worked each week by the agricultural worker during the period of 8 weeks immediately before the sickness absence.
4. If the sickness absence is less than 14 days in total, take away the first 3 days of the sickness absence before calculating the entitlement.
Example:
A worker is employed at Grade 2 without fixed hours and is absent through illness for 14 days:

<table>
<thead>
<tr>
<th>Week</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours worked</td>
<td>20</td>
<td>25</td>
<td>30</td>
<td>32</td>
<td>30</td>
<td>39</td>
<td>25</td>
<td>28</td>
</tr>
</tbody>
</table>

1. Total number of hours worked in 8 week period = 229 hours
2. 229 ÷ 8 = 28.625 (average weekly hours)
3. 28.625 ÷ 5 = 5.725 (average hours worked per day)
4. (5.725 x 14) x £8.45 (the workers basic hourly rate) = £677.27
The worker is entitled to £677.27 in ASP

9. Are agricultural workers entitled to bereavement leave (Articles 39-41)?

All workers are entitled to bereavement leave after the death of a member of their family. This would include a parent, grandparent, grandchild, child, brother sister, spouse or civil partner or a person with whom the agricultural worker lives as husband and wife without being legally married, or someone with whom the agricultural worker lives as if they were in a civil partnership.

All workers have a minimum bereavement leave entitlement of one day and a maximum entitlement of four days.

10. Miscellaneous Conditions

10.1 Rest Breaks (Article 28)

All workers aged 18 and over are entitled to a rest break of at least 30 minutes where the worker’s daily working time is more than five and a half hours unless the worker and their employer agree otherwise to the extent permitted by or under the Working Time Regulations 1998.

Regulation 12(4) of the Working Time Regulations requires a worker aged 15-17 to be given a rest break of at least 30 minutes where the worker’s daily working time is more than four and a half hours. No child who is permitted to work, and who is of compulsory school age, shall be employed for more than four hours in any day without a rest break of one hour.
The Order allows compensatory rest for a worker who is required to work during a rest period or a rest break. In cases which it is not possible, for objective reasons, to grant such a period of rest, the agricultural worker’s employer must afford them such protection as may be appropriate in order to safeguard the agricultural worker’s health and safety. Possible examples would be a foreseeable surge of activity at harvest or lambing time. The flexibility provided for here is not something that could be used on a routine basis.

10.2 Training Costs (Article 17)

If an agricultural worker attends training with the prior agreement of their employer, the employer must pay any fees for the course and any travelling and accommodation expenses incurred by attending the training.

A Grade 1 worker who has completed a total of 30 weeks continuous employment with the same employer 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 2 worker.

10.3 Young workers of compulsory school age (Article 12 and Schedule 4)

The Order specifies pay for young workers of compulsory school age at £3.54 per hour for Grade 1. Children below the age of 13 are not allowed to be employed in agriculture.

There are restrictions on the number of hours children are allowed to work. During term time, this is set at a maximum of 12 hours a week. During school holidays 13 to 14-year-olds are only allowed to work a maximum of 25 hours a week and 15 to 16-year-olds can only work a maximum of 35 hours a week.

For more information on child employment, please visit the UK Government website at https://www.gov.uk/child-employment

10.4 Output work (Piece work) (Article 14)

The workers’ hourly wage for output work (previously referred to as piece work) cannot be below the hourly pay applicable to their grade or the NMW/NLW under the 2019 Order.

10.5 Travelling Time

Agricultural workers are considered to be working when they are travelling for the purpose of carrying out their duties, for example travelling from one field to another. They should be paid at the appropriate minimum rate for that time. Agricultural workers are not considered to be working when commuting to and from work.

10.6 Accommodation Allowance (Article 15)

The 2019 Order ensures that where a worker is provided with a house by the employer, the employer may deduct no more than £1.50 per week. Where the employer provides other accommodation, the employer may not deduct more than £4.82 per day, as long as the worker has worked for a minimum of 15 hours for their employer in that week.
Payments which do not form part of an agricultural worker’s remuneration

**Dog Allowance (Article 16(a))**
If it is necessary for a worker to keep a dog (or dogs) to enable them to do their job, then they should be paid a sum of not less than £8.17 per week for each dog.

**On-call allowance (Article 16(b))**
On call means an arrangement between the worker and their employer which means that when the worker is not at work that they will be contactable by an agreed method and able to reach the place where they may be required to work within an agreed time. The on-call allowance is a one-off payment equivalent to two times the hourly overtime rate of pay applicable to the worker.

**Night Work Supplement (Article 16(c))**
Night work rates apply between 7 pm one evening and 6 am the next morning, excluding the first two hours of work during this period. The night work supplement is £1.55 per hour. This payment does not form part of an agricultural worker’s remuneration.

**Birth and Adoption Grants (Article 16(d))**
A payment may be granted to an agricultural worker under these circumstances, set at £64.29

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### 11. Cases of Suspected Non-Compliance, and Enquiries

Where you suspect that the provisions of the Agricultural Wages Order may not be complied with, or you wish to comment on the Order, please contact the helpline or send us your comments. If you would like someone to ring you please state your number clearly.

Please contact the helpline for information or to raise a complaint under the 2019 Order: **0300 062 5004**

Send your concerns in writing by email to: SLMEnquiries@gov.wales or by post to:

Strategy and Policy Unit – Legislation Development Team  
Welsh Government Office  
Government Buildings  
Spa Road East  
Llandrindod Wells  
Powys  
LD1 5HA

Your complaint/enquiry will be treated as confidential.
12. Useful contacts

Rural Payments Wales
Telephone: 0300 062 5004
The helpdesk is open:
• Monday 8.30am to 5pm
• Tuesday 8.30am to 5pm
• Wednesday 10am to 5pm
• Thursday 8.30am to 5pm
• Friday 8.30am to 4.30pm
Alternatively, you can contact us via our postal address

Rural Payments Wales
P.O. Box 1081
Cardiff
CF11 1SU

NFU Cymru
Agriculture House
Royal Welsh Showground
Llanelwedd
Builth Wells
LD2 3TU
Tel: 01982 554200
Email: nfu.cymru@nfu.org.uk

FUW
Farmers’ Union of Wales
Llys Amaeth
Plas Gogerddan
Aberystwyth
Ceredigion
SY23 3BT
Tel: 01970 820820
Email: head.office@fuw.org.uk

CLA Cymru
Country Landowners Association
CLA Cymru
Orbit Business Centre
Rhydycar Business Park
Merthyr Tydfil
CF48 1DL
Tel: 01547 317085
Email: wales@cla.org.uk
Unite the Union (Wales)
Regional Office
1 Cathedral Road
Cardiff
CF11 9SD
Tel: 02920 394 521
Fax: 02920 390 684
Email: wales@unitetheunion.org

Lantra (Wales)
Royal Welsh Showground
Llanelwedd
Builth Wells
Powys
LD2 3WY
Tel: 01982 552646
Email: wales@lantra.co.uk

YFC
Royal Welsh Showground
Llanelwedd
Builth Wells
Powys
LD2 3NU
Tel: 01982 553502
Email: information@yfc-wales.org.uk

TFA Cymru
Tenant Farmers Association
5 Brewery Court
Theale
Reading
Berkshire
RG7 5AJ
Tel: 0118 930 6130
Email: tfa@tfa.org.uk

Citizens Advice Bureau
Citizens Advice consumer helpline: 03444 77 20 20
Monday to Friday, 9am to 5pm
www.citizensadvice.org.uk/wales