



Llywodraeth Cymru
Welsh Government

CLOSED CONSULTATION

Agricultural Wages Order 2021 to 2022

We are seeking views on proposals to change the pay and conditions of agricultural workers.

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Introduction

The Agricultural Advisory Panel for Wales has determined amendments should be made to the original proposed changes consulted on in October 2020. These amendments are sufficiently different from the original proposed changes that further consultation in relation to these amendments is necessary.

Background

The Agricultural Advisory Panel for Wales is an independent body that advises Welsh Ministers on the Agricultural Minimum Wage arrangements for agricultural, horticultural and forestry workers in Wales. It also promotes careers in agriculture, horticulture and forestry, the development of an appropriately skilled workforce and provides additional advice to ministers as required.

Annually, the Panel review the Agricultural Minimum Wage (AMW) arrangements, propose all changes necessary and consult on their proposals before submitting them in a draft Agricultural Wales Order (AWO) to Welsh Ministers for consideration. Once passed by the Senedd, the Order has legal

authority in Wales.

In arriving at their decisions, the Panel draw on their expertise and consideration of the economic conditions in the industry at the time, as well as all legal requirements (such as the National Minimum Wage). This ensures agricultural workers receive fair, regularly reviewed, wages, allowances and terms of employment, further contributing to the Welsh Government's tackling poverty agenda by safeguarding household incomes, especially within rural communities.

The Panel is made up of representatives from the Farmers Union of Wales, National Farmers Union Cymru, Unite the Union and three independent members.

The Welsh Government sponsorship division provides the secretariat function for the Panel, and an external law firm advise the Panel on any legal issues arising and legal compliance generally. They also prepare the draft Wages Orders which give effect to the decisions of the Panel.

An initial consultation was undertaken in relation to the proposed changes to the terms and conditions for agricultural workers to be included in the Agricultural Wages (Wales) Order 2021 (the '2021 Order') in October 2020.

The Panel has determined that amendments should be made to those original proposed changes. These amendments are sufficiently different from the original proposed changes that further consultation in relation to these amendments is necessary.

This document seeks your views on these amendments which were proposed at the Panel's meeting on 6 September 2021.

Questions

1. Do you agree with the amendments to the wording of proposed grades in the new grading structure?
2. Do you agree with the inclusion of a new Schedule 4 outlining equivalent

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qualifications?

3. If not, please explain why and do you have any other proposals which the Panel may wish to consider?

1. Amendments to the wording of proposed grades in the new grading structure

The new grading structure for agricultural workers in Wales was outlined in Annex A to the [original consultation dated 26 October 2020](#).

The Panel proposes to amend the wording to more accurately reflect the qualification requirements in relation to Agricultural Development Worker Level A, Agricultural Worker Level B, Agricultural Advanced Worker Level C and Senior Agricultural Worker Level D as follows (the amended wording is set out in bold and underlined):

Agricultural Development Worker Grade A

An agricultural worker who has less than 3 years practical experience **which is relevant to their role in agriculture, who has not completed an apprenticeship (in accordance with the apprenticeship framework in Wales or its predecessor(s) or an equivalent apprenticeship from outside Wales) which must be relevant to their role in agriculture**

must be employed as an Agricultural Development Worker Grade A.

Agricultural Worker Grade B

An agricultural worker who:

- a. provides documentary evidence to an employer that they **have been awarded the main qualification or qualifications required for a level 2 apprenticeship, which must be relevant to their role in agriculture, in accordance with the apprenticeship framework in Wales or its predecessor(s) or have met the requirements of a level 2 or equivalent**

apprenticeship, from outside Wales, as specified in Schedule 4 which must be relevant to their role in agriculture; or

- b. has at least 3 years of practical experience in agriculture at Agricultural Development Worker Grade A

must be employed as an Agricultural Worker Grade B.

Advanced Agricultural Worker Grade C

An agricultural worker who:

- a. provides documentary evidence to an employer that they **have been awarded the main qualification or qualifications required for a level 3 apprenticeship, which must be relevant to their role in agriculture, in accordance with the apprenticeship framework in Wales or its predecessor(s) or have met the requirements of a level 3 or equivalent apprenticeship, from outside Wales, as specified in Schedule 4 which must be relevant to their role in agriculture;**
- b. has at least 2 years of practical experience in agriculture at Agricultural Worker Grade B or
- c. is employed as a team leader,

must be employed as an Advanced Agricultural Worker Grade C.

For the purposes of this article, a “team leader” is responsible for leading a team of agricultural workers and for monitoring the team’s compliance with instructions given by or on behalf of their employer but is not responsible for disciplinary matters.

Senior Agricultural Worker Grade D

An agricultural worker who:

- a. provides documentary evidence to an employer they **have been awarded the main qualification or qualifications required for a level 4 apprenticeship, which must be relevant to their role in agriculture, in**

accordance with the apprenticeship framework in Wales or its predecessor(s) or have met the requirements of a level 4 or equivalent apprenticeship, from outside Wales, as specified in Schedule 4 which must be relevant to their role in agriculture; or

- b. has responsibilities including implementing management decisions independently or supervising staff,

must be employed as a Senior Agricultural Worker Grade D.

2. Inclusion of new Schedule 4 outlining equivalent qualifications

The Panel further proposes including a new Schedule 4 in the 2021 Order which outlines the equivalent qualifications referred to in the grade descriptions for Agricultural Worker Level B, Agricultural Advanced Worker Level C and Senior Agricultural Worker Level D.

The new Schedule 4 will include two tables setting out the equivalent qualifications in England, Northern Ireland, Ireland and Scotland and under the European Qualifications Framework as follows:

Equivalent qualifications in England, Northern Ireland, Ireland and Scotland

Wales	England	Northern Ireland	Ireland	Scotland
Level 2 Foundation Apprenticeship	Level 2 Intermediate Apprenticeship	Level 2 Traineeships NI	-	Level 5 Modern Apprenticeship
Level 3 Apprenticeship	Level 3 Advanced Apprenticeship	Level 3 Apprenticeship NI	Level 5 Apprenticeship	Level 6 Modern Apprenticeship, Foundation Apprenticeship
Level 4 Higher	Level 4 Higher	Level 4 Higher	Level 6	Level 7 Modern

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Wales	England	Northern Ireland	Ireland	Scotland
Apprenticeship	Apprenticeship	Level Apprenticeship	Apprenticeship	Apprenticeship

Equivalent qualifications under the European Qualifications Framework ('EQF')

Wales	EQF
Level 2 Foundation Apprenticeship	Level 3 EQF
Level 3 Apprenticeship	Level 4 EQF
Level 4 Higher Apprenticeship	Level 5 EQF

About you

4. Please provide information about yourself or your organisation. If possible, include details about the occupation or sector you are involved in, your workforce if you are an employer (including number of AMW workers, their grades and rates), and anything else you think is relevant.

Responses

Comments on these proposals should be submitted before **19 November 2021** so the Panel may submit advice to Ministers as required by the Agricultural Sector (Wales) Act 2014.

Any response you submit will be seen in full by Welsh Government staff dealing with matters relating to the Agricultural Advisory Panel. Responses will also be

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shared with the Panel, and where the Welsh Government or the Panel undertakes further analysis of consultation responses then this work may be carried out by third party contractors (e.g. a research organisation or a consultancy company). Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

Responses may be published in full to show that the consultation was carried out properly. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you want to remain anonymous, please indicate your preference when you send your response. We will remove your details before publishing.

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.

Under the General Data Protection Regulations (GDPR) you have rights as an individual in relation to the way in which your personal data is held and processed. For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

e-mail: Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House

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Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or 0303 123 1113

[Website](#)

Please respond to the Panel Manager in writing at the address below or by email to: AAP@gov.wales

Agricultural Advisory Panel Manager
Welsh Government
County Hall
Spa Road East
Llandrindod Wells
LD1 5LG

Annex A: Questions

1. Do you agree with the amendments to the wording of proposed grades in the new grading structure?
2. Do you agree with the inclusion of a new Schedule 4 outlining equivalent qualifications?
3. If not, please explain why and do you have any other proposals which the Panel may wish to consider?
4. Please provide information about yourself or your organisation. If possible, include details about the occupation or sector you are involved in, your workforce if you are an employer (including number of AMW workers, their grades and rates), and anything else you think is relevant.

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