



Llywodraeth Cymru  
Welsh Government

MEETING

# Agricultural Advisory Panel Meeting: 7 September 2020

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

First published: 7 September 2020

Last updated: 7 September 2020

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# Contents

## Present

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### Agenda Item 1 – Welcome

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### Agenda Item 2 – Chairs Update

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### Agenda Item 3 - Approval of Minutes of the Last Meeting and Action Points

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### Agenda Item 4 – Legal Issues to be considered with regards to Parental Bereavement Leave and Pay

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### Agenda Items 5 and 6 – Presentation of the Employer and Employee Papers

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### Agenda Item 7 – Discussion of Draft 2021 Order

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### Agenda Item 8 – Any Other Business

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## Present

Chair - Lionel Walford

Independents - Steve Hughson, Peter Rees

Unite - Ivan Monckton, Daryl Williams, Bridget Henderson, Brian Troake

FUW - Darren Williams, Nick Fenwick

NFU Cymru - Will Prichard, Dylan Morgan, Lucy Ralph

Panel Legal Adviser - Helen Snow (Geldards)

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## **Agenda Item 1 – Welcome**

The Chair welcomed everyone to the meeting. There were no new conflicts of interests raised.

## **Agenda Item 2 – Chairs Update**

There may be difficulties in using the virtual format to come to a formal agreement so if this is the case options for a further meeting will be discussed at the end of the day.

## **Agenda Item 3 - Approval of Minutes of the Last Meeting and Action Points**

No changes to the record were made and the minutes were approved.

Updates were given on the Action Points from Meeting 21:

ADAS are working on obtaining data with regards to the Agricultural Wages Order. Phase 1 is underway contacting large accountancy firms and agricultural advisers to gauge the uptake on the Order. At present indications suggest the uptake of the Order is relatively low. ADAS will report on the breakdown of usage and if it is felt there is enough of an uptake Phase 2 will involve interviewing further accountancy firms as well as farming businesses who wish to partake – at present it looks like quite a few businesses are agreeable and do have comment to make.

## **Agenda Item 4 – Legal Issues to be considered**

# with regards to Parental Bereavement Leave and Pay

A change in UK Legislation - effective from 6 April 2020 - gave employees the right to 2 weeks Parental Bereavement Leave (PBL) in the event of the death of a child up to the age of 18 or a still birth from 24 weeks onwards.

The Panel needed to consider:

- There needed to be a change with regards to employees due to the legislation. Was this extended to all workers under the Order or would a distinction be maintained between the rights afforded to agricultural workers who were classed as employees and those classed as workers?
- Level of pay – was the Panel minded to retain the first four days of PBL at full pay?

After discussions a proposal was put forward:

**Proposal:** The statutory provision is made to all agricultural workers (both employees and workers) and they receive four days full pay for week one and the Statutory Bereavement Parental leave rate for week two (currently £151.20). This would allow employers to claim back the PBL pay rate for eligible agricultural workers.

This was unanimously agreed by the Panel.

Amendments had already been made to the wording of the provisions of the Order in relation to On-Call Allowance and the Accommodation Offset Allowance previously agreed by the Panel. These were not policy changes but changes to provide clarification on how and when the provisions applied and the frequency of payment.

## **Agenda Items 5 and 6 – Presentation of the Employer and Employee Papers**

Both parties presented their papers in terms of their positions with regards to any rise in Agricultural Wages from 1st April 2021.

The paper from NFU/FUW contained a grade of “Student Agricultural Worker”. It was clarified these were higher / further education students on placement years as part of their studies. It was confirmed that as long as the student is undertaking work as part of their course and provided the work is for less than 12 months they are exempt from the NMW provisions. If it falls outside this criteria the NMW has to be paid.

## **Agenda Item 7 – Discussion of Draft 2021 Order**

The pay rates for 2021 as well as other terms and conditions were discussed. After three rounds of negotiations between the employers (NFU / FUW) and the employees (Unite) an agreement could not be reached and it was agreed to adjourn the meeting for the day.

## **Agenda Item 8 – Any Other Business**

The question was asked why a senior member of Welsh Government staff was not at this meeting. It was disappointing as this is seen as the most important meeting of the year and Policy Directors of NFU and FUW were attending.

The Chair will approach Mark Alexander from Welsh Government about someone attending future meetings to listen to the concerns and views of both sides of the Panel.

The next meeting will be on Tuesday 22 September at 9.30am and will again be held virtually due to current restrictions.

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