



Llywodraeth Cymru  
Welsh Government

CLOSED CONSULTATION

# The Agricultural Wages Order 2022

Consultation to seek views on the Agricultural Wales Order 2022, containing changes on pay structures, minimum wage rates and allowances and other conditions of employment.

First published: 11 January 2022

Last updated: 11 January 2022

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## 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

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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.

This document seeks your views on the Panel's proposed changes to the current Agricultural Minimum Wage arrangements to apply from April 2022. The proposals were made at the Panel's meeting on 7 September 2021 and are listed below.

## 1. Rates of pay

The Panel proposes that the minimum rates of pay for agricultural workers increase as follows:

### Rates

Grade of Agricultural Worker	Proposed 2022 Rates (£ per hour)
A1 – Agricultural Development Worker (16-17 years)	£4.81
A2 – Agricultural Development Worker (18-20)	£6.83

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<b>Grade of Agricultural Worker</b>	<b>Proposed 2022 Rates (£ per hour)</b>
years)	
A3 – Agricultural Development Worker (21-22 years)	£9.18
A4 – Agricultural Development Worker (23 years+)	£9.50
B1 – Agricultural Worker (16-17 years)	£4.81
B2 – Agricultural Worker (18-20 years)	£6.83
B3 – Agricultural Worker (21-22 years)	£9.18
B4 – Agricultural Worker (23 years+)	£9.79
C – Agricultural Advanced Worker	£10.08
D – Senior Agricultural Worker	£11.06
E – Agricultural Manager	£12.13

## **Apprentice rates to be raised as follows:**

<b>Apprentice Year/age groups</b>	<b>Proposed 2022 rate (£ per hour)</b>
Apprentice Year 1	£4.81
Apprentice Year 2 (aged 16-17)	£4.81

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<b>Apprentice Year/age groups</b>	<b>Proposed 2022 rate (£ per hour)</b>
Apprentice Year 2 (aged 18-20)	£6.83
Apprentice Year 2 (aged 21-22)	£9.18
Apprentice Year 2 (aged 23+)	£9.50

## Other proposed allowances

<b>Allowance type</b>	<b>Proposed 2022 rate</b>
Dog Allowance	£8.17 per dog per week
Night Time Work Allowance	£1.55 per hour of night work
Birth Adoption Allowance	£64.29 each child

### Question 1:

**Do you agree with the proposed minimum wage rates and allowances?**

## 2. Other proposed changes

### Rest break periods

Article 28 of the Agricultural Wages Order currently makes provision for rest breaks. The Panel consider it appropriate in the interests of clarity for employers and agricultural workers that the Agricultural Wages Order should also include provisions in relation to daily rest and weekly rest.

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The Panel considers that the provision in relation to rest periods should replicate the provisions of the Working Time Regulations 1998 in respect of these rest periods. The Panel therefore proposes the amendments set out below to Article 28 in the 2022 Order. The amendments also take into account the different provisions in relation to rest that are applicable to agricultural workers who are under 18 years of age, and those who are 18 years of age and over which are currently not reflected in the Agricultural Wages Order.

The amended wording to Article 28 is set out in italics below.

## **Rest Periods**

**28** (1) An agricultural worker who is aged 18 or over and who has a daily working time of more than 5 and a half hours is entitled to a rest break.

(2) The rest break provided for in paragraph (1) is an uninterrupted period of not less than 30 minutes and the agricultural worker is entitled to spend it away from their workstation (if they have one) or other place of work.

(3) Subject to paragraph (4), the provisions relating to rest breaks as specified in paragraphs (1) and (2) do not apply to an agricultural worker where —

a) due to the specific characteristics of the activity in which the agricultural worker is engaged, the duration of their working time is not measured or predetermined;

b) the agricultural worker's activities involve the need for continuity of service or production;

c) there is a foreseeable surge of activity;

d) the agricultural worker's activities are affected by—

i) an occurrence due to unusual and unforeseeable circumstances, beyond the control of their employer;

ii) exceptional events, the consequences of which could not have been avoided despite the exercise of all due care by the employer; or

iii) an accident or the imminent risk of an accident; or

iv) the employer and agricultural worker agree to modify or exclude the application of paragraphs (1) and (2) in the manner and to the extent permitted by or under the Working Time Regulations 1998.

(4) Where paragraph (3) applies and an agricultural worker is accordingly required by their employer to work during a period which would otherwise be a rest break—

a) the employer must, unless sub-paragraph (b) applies, allow the agricultural worker to take an equivalent period of compensatory rest; and

b) in exceptional cases in 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.

(5) An agricultural worker who is aged under 18 and who has a daily working time of more than 4 and a half hours is entitled to a rest break.

(6) The rest break provided for in paragraph (5) is an uninterrupted period of not less than 30 minutes and the agricultural worker is entitled to spend it away from their workstation (if they have one) or other place of work.

(7) If, on any day, an agricultural worker who is under 18 years of age is employed by more than one employer, their daily working time shall be determined for the purpose of paragraph (5) by aggregating the number of hours worked by them for each employer.

(8) An agricultural worker is entitled to a rest period of not less than eleven consecutive hours in each 24-hour period during which he works for his employer.

(9) Subject to paragraph (10), an agricultural worker who is under 18 years of age is entitled to a rest period of not less than twelve consecutive hours in each 24-hour period during which they work for their employer.

(10) The minimum rest period provided for in paragraph (9) may be interrupted

in the case of activities involving periods of work that are split up over the day or of short duration.

(11) Subject to paragraph (12), an agricultural worker is entitled to an uninterrupted rest period of not less than 24 hours in each seven-day period during which they work for their employer.

(12) If their employer so determines, they shall be entitled to either—

a) two uninterrupted rest periods each of not less than 24 hours in each 14-day period during which they work for their employer; or

b) one uninterrupted rest period of not less than 48 hours in each such 14-day period, in place of the entitlement provided for in paragraph (11).

(13) Subject to paragraph (18), an agricultural worker who is under 18 is entitled to a rest period of not less than 48 hours in each seven-day period during which they work for their employer.

(14) For the purpose of paragraphs (11) to (13), a seven-day period or (as the case may be) 14-day period shall be taken to begin—

a) at the start of each week or (as the case may be) every other week;

b) At such times on such days as may be provided for by an agreement between the agricultural worker and their employer.

(15) In a case where, in accordance with paragraph (14), 14-day periods are to be taken to begin at the start of every other week, the first such period applicable in the case of a particular agricultural worker shall be taken to begin at the start of the week in which that employment begins.

(16) For the purposes of paragraphs (14) and (15), a week starts at midnight between Sunday and Monday.

(17) The minimum rest period to which an agricultural worker is entitled under paragraph (11) or (12) shall not include any part of a rest period to which the worker is entitled under regulation (9), except where this is justified by objective



or technical reasons or reasons concerning the organisation of work.

(18) The minimum rest period to which an agricultural worker who is under 18 years of age is entitled under paragraph (13)—

a) may be interrupted in the case of activities involving periods of work that are split up over the day or are of short duration; and

b) may be reduced where this is justified by technical or organisational reasons, but not to less than 36 consecutive hours.

### **Question 2:**

**Do you agree with the inclusion of Rest Breaks within the Agricultural Wages Order?**

### **Question 3:**

**Do you have any further comments to make in relation to the Agricultural Wages Order?**

## **Consultation questions**

### **Question 1**

Do you agree with the proposed minimum wage rates and allowances?

### **Question 2**

Do you agree with the inclusion of Rest Breaks within the Agricultural Wages Order?

## Question 3

Do you have any further comments to make in relation to the Agricultural Wages Order?

## Question 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.

## How to respond

So the Panel may submit advice to Ministers as required by the Agricultural Sector (Wales) Act 2014, please submit your response by midnight **7 February 2021** in any of the following ways:

- Complete our [online form](#)
- Download, complete our [online form](#) and email [AAP@gov.wales](mailto:AAP@gov.wales)
- Download, complete our [online form](#) and post to:

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

# Your rights

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 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.

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- 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.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tell us.

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

Data Protection Officer  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

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E-mail: [data.protectionofficer@gov.wales](mailto:data.protectionofficer@gov.wales)

## Information Commissioner's Office

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: 01625 545 745 or 0303 123 1113

Website: [ico.org.uk](http://ico.org.uk)

## UK General Data Protection Regulation (UK GDPR)

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. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data. In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. 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 do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

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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 three years.

## Further information and related documents

Number: WG44273

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