



Llywodraeth Cymru
Welsh Government

PUBLICATION

Agricultural Advisory Panel meeting: 23 November 2021

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

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Contents

Present

Item 1 – Introduction

Item 2 – Chairs Update

Item 3 - Outstanding Actions / Approval of Minutes from AAP 30

Item 4 - Update on the 2021 Order

Item 5 - Agricultural Wages Order 2022

Item 6 – Any Other Business

Future meetings

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Present

Chair – Dr Nerys Llewelyn Jones

Independents - Steve Hughson, Janatha Stout

Unite – Brian Troake, Ivan Monckton

FUW – Darren Williams

NFU Cymru – Will Prichard

Panel Legal Adviser - Helen Snow

Welsh Government - Ryan Davies (Panel Manager), Sian Hughes

Secretariat – Dan Ricketts

Item 1 – Introduction

The Chair welcomed everyone to the meeting.

Item 2 – Chairs Update

The Chair and Helen Snow ran a webinar for Farming Connect on 26 October. The webinar was a useful exercise as it highlighted the requirements in relation to contracts and the Order. More work needs to be undertaken with regards to engagement with the industry to raise awareness and understanding of the Order.

Additional webinars can be run in the future if the need arises.

ACTION POINT 1 – Nerys Llewelyn Jones to send a link to the recording of the webinar to all Panel members.

Item 3 - Outstanding Actions / Approval of Minutes from AAP 30

An update was given on the outstanding action points from the previous meeting:

- The Panel to invite someone to discuss the definitions of agriculture at a future meeting – this is being worked on and will be arranged for a meeting in 2022
- Work is being undertaken with regards to bringing students on to the Skills Development & training sub-committee
- The Terms of Reference for the Skills Development and Training Sub-Committee will be distributed to Panel members before the next meeting

The minutes were approved by the Panel with no amendments.

Item 4 - Update on the 2021 Order

There were three responses to the Consultation which ended on 19 November. No responses had issue with the proposal which the Panel needed to consider.

One response suggested the agricultural sector should pay National Minimum Wage / National Living Wage (NMW/NLW) rates rather than Agricultural Minimum Wage (AMW) to bring it in line with other employment sectors. Whilst some members stated some sympathy with employers who are required to pay different minimum rates in Wales it was agreed the establishment of the Agricultural Wages Order and the advisory panel was a Welsh Government decision and it is for Welsh Government to make any decisions around its future. All organisations represented will continue to fully engage in the work to be undertaken.

Northern Ireland consulted recently on the abolishment of their Agricultural Wages Board – 16 responses were received and the majority were in favour of retaining the Board and AMW however moves to abolish the Board are still going ahead. It should be noted the Northern Ireland Board has existed throughout whereas the Wales Panel has only existed since 2016 after the England and Wales Board was abolished.

ACTION POINT 2 – Sian Hughes to send a copy of the Northern Ireland Consultation responses document to all Panel members.

The guidance document relating to the 2021 Order is currently being worked on – there a substantial number of amendments due to the major changes in the Order. The Order will be submitted to the Minister for approval along with the guidance document and the request for the Order to be applied retrospectively from 1 April 2021.

ACTION POINT 3 – Helen Snow to distribute a draft copy of the 2021 Guidance to all Panel Members.

ACTION POINT 4 – Helen Snow to finalise the draft Agricultural Wages Order 2021.

ACTION POINT 5 – Nerys Llewelyn Jones to formally submit the draft Order and the request for retrospective action to the Minister with the guidance document to follow as soon as possible.

It was stated that employers need to be made aware of the request for retrospective provisions as soon as possible. It was agreed that a “Word from the Chair” would be published on the AAP web pages stating the recommendations of the Panel to the Minister (without pre-empting any decision made by the Minister)

ACTION POINT 6 – Nerys Llewelyn Jones to draft a “Word from the Chair”

stating the recommendation of the Panel regarding the request for retrospective provisions for the 2021 Order

The Panel were advised the very earliest the 2021 Order would be able to come into force was around the beginning of February 2022.

Item 5 - Agricultural Wages Order 2022

The draft consultation document for the 2022 Order was sent to Panel members prior to the meeting.

It was confirmed the allowance rates (dog allowance etc) were remaining the same for 2022 from 2021. There were no other comments from the Panel.

The consultation will be published once the 2021 Order has been formally submitted and the “Word from the Chair” as discussed earlier has been published.

ACTION POINT 7 – Helen Snow to finalise draft AWO 2022 consultation document

A discussion was held about how to generate extra responses to the Panel’s consultations. It was stated that. Despite the consultation details being sent to over 350 organisations and businesses many of these were irrelevant and so would not generate a response.

It was suggested that an advertisement is placed in the Welsh farming press as more responses are required. However there will be potential issues regarding publication dates. If it is possible to advertise in January editions the end date of the consultation could be extended so the advert can be published.

A concern was raised that any delays or extensions to the consultation will result

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in the 2022 Order also being late however the consultation exercise is a change for workers / employers in the agricultural sector to have their say on the proposals of the Panel so it is important it reaches as many people as possible.

ACTION POINT 8 – Dan Ricketts to circulate the current consultation distribution list to Panel members for review

ACTION POINT 9 – Panel members to suggest amendments to the Consultation distribution list to make it more relevant and to help generate extra responses

ACTION POINT 10 – Ryan Davies to explore advertising in farming press and draft an advertisement for publishing.

Item 6 – Any Other Business

An enquiry has been received by the Association of Labour Providers (circulated to Panel members) whether provisions, where there is a length of service required, should be reviewed. They also state there is a disconnect between the provisions of the Order and how applicable they are to those workers employed through an Agency (they are suggesting agency workers are self-employed individuals).

A response has been sent stating the only relevant provision in the Order is with regards to Agricultural Sick Pay. Work will also be undertaken regarding how the provisions apply to Agency workers and whether clarifications need to be made in future Orders.

Future meetings

Provisional dates for meetings in 2022 (for both the Panel and the Skills

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Development & Training sub-committee) will be sent to all Panel members as diary markers. The format of meetings is to be confirmed but will be a mixture of hybrid and virtual meetings. It was stressed the negotiations meetings in September would ideally be face-to-face along with the first meeting of the sub-committee. The Chair also thanked all Panel members for their engagement in virtual meetings.

ACTION POINT 11 – Dan Ricketts to send diary markers for meetings in 2022 to all Panel members

The Chair suggested it would be useful to look at the Wages Orders in Scotland and Northern Ireland to gain an understanding and to share information. Work needs to be undertaken regarding obtaining data and how evidence can be collected to support the Panel's position and the Skills Development & Training element needs to be developed.

The Panel commissioned a report from ADAS regarding data and awareness – this will be distributed to Panel members. However there was not a good response and the data could not be relied upon.

ACTION POINT 12 – Sian Hughes to distribute the report on the Agricultural Wages Order by ADAS to Panel members

The meeting in January 2022 will discuss areas of work including awareness, data collection and enforcement provisions and prioritise these moving forward.

The Chair thanked everyone for their participation and closed the meeting.

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