



Llywodraeth Cymru
Welsh Government



Agricultural Minimum Wage in Wales 2025-2026

A Guide for Employers and Agricultural Workers in the
Agriculture, Horticulture, and Forestry Sectors in Wales:
Minimum Wage Rates and Additional Terms and Conditions

Issue 9

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1. Introduction

All employed agricultural, horticultural, and forestry workers in Wales, including those employed by gang masters and employment agencies, are entitled to at least the Agricultural Minimum Wage

It is a criminal offence to pay agricultural workers less than the Agricultural Minimum Wage.

This guide is intended to help employers of agricultural workers understand and comply with the Agricultural Minimum Wage requirements and other terms and conditions applicable to workers employed in agriculture, horticulture, and forestry¹ in Wales. It also aims to help workers understand their entitlements.

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

It should be noted that the term “agricultural worker” also applies to those who are on an Apprenticeship Scheme.

The Agricultural Advisory Panel

The Agricultural Advisory Panel for Wales (“the Panel”) is an independent body that proposes minimum pay rates and working conditions for agricultural workers. They also encourage careers in agriculture and identify skill needs within the industry. Additionally, the Panel is required to provide advice to the Welsh Government upon request.

The Panel includes members from various groups: the Farmers Union of Wales, National Farmers Union Cymru, Unite the Union, and three independent members.

Each year, the Panel reviews the minimum pay rates and working conditions for agricultural workers, including sick pay and overtime allowances.

In making their decisions, the Panel draws on their expertise, considers the current economic conditions in the industry, and adheres to all legal requirements (such as the National Minimum Wage). This ensures that agricultural workers receive fair, regularly reviewed wages, allowances, and terms of employment, contributing to the Welsh Government’s efforts to tackle poverty by safeguarding household incomes, especially in rural communities.

Once passed by the Senedd, the Agricultural Wages Order has legal authority in Wales.

¹ “Agricultural worker” as per the definition of agriculture stated within the Agricultural Sector (Wales) Act 2014 www.legislation.gov.uk/anaw/2014/6/section/18

The Agricultural Wages Order

The minimum rates of pay, allowances, and other terms and conditions for agricultural workers, including those in the horticulture and forestry sectors, are set out in the Agricultural Wages (Wales) Order 2025 (“the Order”). This Order replaces the Agricultural Wages (Wales) Order 2024 and includes the following updates:

- Increases minimum pay rates for all grades, linked to the National Minimum Wage and National Living Wage increases announced in the UK Government’s Autumn Budget on 30 October 2024.
- Increases all allowances by 10%.
- Simplifies provisions to clarify the rules governing overtime.
- Removes the Pay Protection provision introduced when the grading system changed in 2022, as minimum pay rates have now increased sufficiently.
- Amends provisions around training costs.
- Simplifies the calculation of annual leave entitlement and holiday pay for irregular hours and part-year workers.
- Amends provisions for unpaid leave for caring responsibilities.

The statutory rates of pay and allowances specified by the Order will remain in force until a new Agricultural Wages Order is made or until they are superseded by changes to the National Minimum/Living Wage.

This guidance provides information about conditions and pay levels for the five grades of agricultural workers, as detailed in the Order, and for apprentices. The Order includes detailed descriptions for each grade.

For convenience, the main entries in this guidance are cross-referenced to the corresponding articles in the Order (e.g., Overtime Rates (**Article 12**)).

Please consult the Agricultural Wages (Wales) Order 2025² for details of the current pay and allowance levels.

UK employment law

Flexible Working Changes in the UK from 6 April 2024

Starting 6 April 2024, the Employment Relations (Flexible Working) Act 2023 introduces several key changes to flexible working rights in the UK:

1. **Day-One Right:** Employees can request flexible working from their first day of employment, removing the previous requirement of 26 weeks’ continuous service.
2. **Increased Requests:** Employees can make two flexible working requests per year, instead of just one.
3. **Faster Response:** Employers must respond to flexible working requests within two months, down from three months.

² www.gov.wales/agricultural-advisory-panel-wales/legislation-and-guidance

4. **Consultation Requirement:** Employers must consult with employees before refusing a flexible working request.
5. **No Justification Needed:** Employees no longer need to explain the impact of their proposed flexible working arrangements.

These changes aim to improve access to flexible working arrangements, making it easier for employees to balance work and personal commitments.

Further guidance can be found in **Appendix C**.

The Agriculture Wages Order outlines the employment terms for agricultural workers, covering:

- various grades and categories of workers
- minimum pay rates
- sick pay
- time off entitlements.

In areas such as rest breaks and holiday pay the Order directs employers and workers to other UK employment laws, such as the Working Time Regulations 1998, for detailed rights and obligations.

Appendix D contains links to the relevant UK legislation mentioned in the Order.

For broader UK employment issues not covered by the Order, the Advisory, Conciliation and Arbitration Service (ACAS) offers free and impartial advice to employers, employees, and their representatives.

Further information

Further information about Agricultural Minimum Wages can be found at:
gov.wales/agricultural-wages

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

Agricultural Minimum Wage Team
Welsh Government
County Hall
Spa Road East
Llandrindod Wells
Powys
LD1 5LG

E-mail: SLMEnquiries@gov.wales

2. Agricultural Wages Order 2025-2026: What you need to know

In summary, the changes in the Order are as follows:

- increases to minimum hourly rates for all grades and categories of agricultural worker
- increases to all allowances
- simplification of the overtime rules including changes to the definition of basic hours and overtime
- removal of the pay protection provision
- changes to the rules about training costs
- changes to holiday entitlement calculations, particularly for workers employed for only part of the year
- an update to the provisions on unpaid leave to reflect wider employment law
- several technical and drafting amendments.

For the new minimum rates of pay and allowances please see **Section 3**.

Simplification of the overtime rules (Article 12):

- The definition of “basic hours” is updated to a maximum of 39 hours per week or any other agreed hours under the worker’s contract or apprenticeship. This aims to clarify that overtime is only payable once an agricultural workers’ full contractual hours have been worked by removing reference to overtime being payable “*in addition to an 8 hours working day*” and that part-time workers must receive overtime pay for hours worked beyond their basic contractual hours.
- This amendment will enable greater flexibility to extend a working day beyond 8 hours where the needs of the farm business require it (without incurring overtime), and remove the anomaly where overtime is payable before basic hours of work in a week have been completed.

Removal of pay protection provision:

- This provision was introduced to protect agricultural workers pay when the grading system changed in April 2022. It ensured workers did not suffer a reduction in pay because of their assimilation to a new grade. The provision froze pay at the point of assimilation to the new grade, if the hourly rate applicable to the new grade was lower. This protection will no longer be required under the new 2025 minimum payment rates, which will exceed 2022 rates for comparable grades.

Training Costs (Article 16):

- The rules regarding training costs have been updated to allow employers to recoup these costs if an employee leaves their employment during or within 12 months of completing the training.
- The scope of recovery is limited to costs funded by the employer and excludes funding provided by a third party. It also excludes situations where the employer has terminated the employment, unless the termination is due to gross misconduct.
- This is a common rule in many sectors and aims to ensure fairness between employers and agricultural workers.

Holiday entitlement and holiday pay for irregular hours and part year workers (Article 32):

- It is now easier to calculate holiday entitlement and pay for these workers and is based on updates to the Working Time Regulations 1998. Instead of using a 52-week period to calculate holiday pay, a percentage calculation based on the workers weekly holiday entitlement can be used for agricultural workers who meet the definition of part-year or irregular hours workers under the Working Time Regulations 1998.

For further information please see **Section 9**.

Unpaid leave (Article 43):

- The provision regarding unpaid leave has been amended to recognise employers' statutory obligations in relation to Carer's Leave, Parental Leave and other types of statutory leave under the Carer's Leave Regulations 2024, Maternity and Parental Leave etc Regulations 1999 and the Employment Rights Act 1996. This update will ensure agricultural workers are not prevented from taking unpaid leave when they have a statutory entitlement, for instance, under the Carer's Leave Regulations, employers cannot refuse a request for carer's leave from an eligible agricultural worker. The leave can only be delayed provided an alternative date within one month of the requested leave date is agreed upon.

For further information please see **Section 11**.

Drafting and Technical Amendments:

Technical and drafting amendments have been made in response to points raised by the Senedd's Legislation, Justice and Constitution Committee in its report on the Agricultural Wages Order 2024^{3,4}.

3 www.business.senedd.wales/documents/s500013097/LJC6-12-24%20-%20Paper%201%20-%20Draft%20report.pdf

4 www.business.senedd.wales/documents/s149896/LJC6-15-24%20-%20Paper%203%20-%20Welsh%20Government%20response.pdf

3. Agricultural Minimum Wage

Who is covered by the Agricultural Minimum Wage and the other provisions of the Order (Article 2.1)?

The Order applies to workers employed in agriculture, whether or not the whole of the work is undertaken in Wales.

The Order defines agriculture as including:

- a) dairy farming
- b) the production of any consumable produce for the purposes of a trade or business or any other undertaking (whether carried on for profit or not)
- c) the use of land as grazing, meadow or pasture land
- d) the use of land for orchards, osier land or woodland
- e) the use of land for market gardens or nursery grounds.

This is a non-exhaustive definition, meaning that activities not explicitly listed may still be considered agriculture.

Therefore, all employed agricultural, horticultural, and forestry workers in Wales are covered, including those employed by gang masters and employment agencies.

The definitions of agriculture and agricultural worker under the Order are intended to capture agricultural workers in respect of any work done in Wales whether they are based in Wales and occasionally work in England or vice versa. The strict application of this provision therefore is that in respect of any work done in Wales, the agricultural worker should be paid according to the Order and should receive the benefits of the other provisions of the Order.

What is the relationship between the Agricultural Minimum Wage and the National Minimum Wage/National Living Wage?

The National Living Wage (NLW) for those aged 21 and over, and the National Minimum Wage (NMW) for those of at least school leaving age, change on 1 April each year.

If the NMW or NLW rates become higher than the Agricultural Minimum Wage, the NMW/NLW takes precedence (**Article 11**). If the Agricultural Minimum Wage is higher than either the NLW or NMW, then the Agricultural Minimum Wage applies.

Minimum Wage Rates 2025-2026 (Schedule 1)

The new minimum wage rates were introduced on 1 April 2025. The minimum rates of pay for the five grades of Agricultural worker are as shown in Table 1:

Table 1

Category of Worker	2024 Rates	2025 Rates
A1: Agricultural Development Worker (16-17 years)	£6.56	£7.55
A2: Agricultural Development Worker (18-20 years)	£8.82	£10.00
A3: Agricultural Development Worker (21 years+)	£11.73	£12.21
B1: Agricultural Worker (16-17 years)	£6.56	£7.55
B2: Agricultural Worker (18-20 years)	£8.82	£10.00
B3: Agricultural Worker (21 years+)	£11.79	£12.59
C: Agricultural Advanced Worker	£12.27	£13.48
D: Senior Agricultural Worker	£13.46	£14.79
E: Agricultural Manager	£14.77	£16.23

Accommodation Offset Allowance (Article 14)

Accommodation provided by an employer can be taken into account when calculating the Agricultural Minimum Wage (Table 2).

If the employer provides a house (**Article 14(3)**) that the worker **must** live in for their job, the accommodation offset allowance is **£1.97 per week**.

If the employer provides other types of accommodation (**Article 14(4)**), the accommodation offset is **£6.31 per day**, as long as the worker has worked at least 15 hours that week.

If an employer charges more than the applicable offset rate, the difference is taken off the worker's pay which counts for the Agricultural Minimum Wage.

This means the higher the accommodation charge, the lower a worker's pay when calculating the minimum wage.

If the accommodation charge is at or below the offset rate, it does not have an effect on the worker's pay.

If the accommodation is free, the offset rate is added to the worker's pay.

Table 2

Allowance	2024 Rates	2025 Rates
Accommodation Offset Allowance (House)	£1.79 per week	£1.97 per week
Accommodation Offset Allowance (Other Accommodation)	£5.74 per day	£6.31 per day

Further information can be found at:

www.gov.uk/national-minimum-wage-accommodation

www.gov.uk/national-minimum-wage-accommodation/effect-on-the-minimum-wage

www.assets.publishing.service.gov.uk/media/63c7ed5bd3bf7f6bece2bfed/Low_Pay_Commission_Report_2022.pdf

Please note: The information on the gov UK website refers to the National Minimum/ National Living Wage for which there is only one offset rate. However, the principles are the same.

Other Payments Which Do Not Form Part of an Agricultural Workers' Remuneration (Article 15)

Dog Allowance

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 £11.18 per week** for each dog (Table 3).

On-Call Allowance

“On-call” means a formal arrangement where an agricultural worker agrees with their employer to be reachable and able to get to work within an agreed time, even when they are not currently working. This arrangement cannot last more than 24 hours. The on-call allowance is three times the worker’s hourly rate based on their grade.

The on-call allowance is paid for every period the worker is on-call.

If the worker is called to work while on-call, they will be paid for the hours worked. If these hours are overtime (in addition to contractual hours, or on public holidays or Sundays for certain agricultural workers⁵), the worker will be paid at the overtime rate of time-and-a-half.

Night Work Supplement

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 **£2.12 per hour** (Table 3).

Birth and Adoption Grants

This is a payment, currently set at **£87.85 for each child**, that an agricultural worker is entitled to receive from their employer on the birth of their child or upon the adoption of a child (Table 3).

Table 3

Allowance	2024 Rates	2025 Rates
Dog Allowance – per dog per week	£10.16	£11.18
Night Time Work Allowance – per hour of night work	£1.93	£2.12
Birth Adoption Allowance – for each child	£79.86	£87.85

⁵ An agricultural worker who began their employment prior to 1 October 2006.

4. Grading Structure (Articles 4-9)

The Agricultural Minimum Wage grading structure differentiates between five grades of agricultural worker based on qualifications, work responsibility and experience in agriculture.

If the agricultural worker is on an Apprenticeship Programme they are classed as an Apprentice (see **Section 5**).

Agricultural Development Worker (Grade A)

- Has less than 3 years practical experience relevant to their role in agriculture, and
- Cannot provide documentary evidence to an employer they have been awarded the main qualification or qualifications required for a Level 2 Apprenticeship* in accordance with the Apprenticeship Framework** or have met the requirements of a Level 2 or equivalent apprenticeship* from outside Wales (Table 4).

Agricultural Worker (Grade B)

- Can provide documentary evidence to an employer they have been awarded the main qualification or qualifications required for a Level 2 Apprenticeship* in accordance with the Apprenticeship Framework** or have met the requirements of a Level 2 or equivalent apprenticeship* from outside Wales (Table 4), or
- Has at least 3 years of practical experience in agriculture at Agricultural Development Worker Grade A.

Advanced Agricultural Worker (Grade C)

- Can provide documentary evidence to an employer they have been awarded the main qualification or qualifications required for a Level 3 Apprenticeship* in accordance with the Apprenticeship Framework** or have met the requirements of a Level 3 or equivalent apprenticeship* from outside Wales (Table 4), or
- Has at least 2 years of practical experience in agriculture at Agricultural Worker Grade B, or
- Is employed as a Team Leader⁶.

Senior Agricultural Worker (Grade D)

- Can provide documentary evidence to an employer they have been awarded the main qualification or qualifications required for a Level 4 Apprenticeship* in accordance with the Apprenticeship Framework** or have met the requirements of a Level 4 or equivalent apprenticeship* from outside Wales (Table 4), or
- Has responsibilities including implementing management decisions independently or supervising staff.

⁶ 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 on or behalf of their employer but is not responsible for disciplinary matters.

Agricultural Manager (Grade E)

- An agricultural worker who is required to have management responsibility including hiring and managing staff where relevant for the entire of the employer’s holding or for part of the employer’s holding which is run as a separate operation or business.

* All qualifications must be relevant to the agricultural worker’s role in agriculture.

** The apprenticeship framework means any of the current Apprenticeship Frameworks⁷ for the agricultural sector in Wales issued by Welsh Government and published by Lantra, or previous versions of the Apprenticeship Frameworks for the agricultural sector in Wales issued by Welsh Government and published by Lantra on or before the date that the Order comes into force.

What are equivalent qualifications? (Schedule 4)

Table 4

Equivalent Qualifications in England, Northern Ireland, Republic of Ireland and Scotland				
Wales	England	Northern Ireland	Republic of 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, Level 6 Foundation Apprenticeship
Level 4 Higher Apprenticeship	Level 4 Higher Apprenticeship	Level 4 Higher Level Apprenticeship	Level 6 Apprenticeship	Level 7 Modern Apprenticeship

Equivalent Qualifications under the European Qualifications Framework (EQF)	
Wales	European Qualifications Framework
Level 2 Foundation Apprenticeship	Level 3 EQF
Level 3 Apprenticeship	Level 4 EQF
Level 4 Higher Apprenticeship	Level 5 EQF

⁷ www.findanapprenticeship.service.gov.wales/find-an-apprenticeship-framework/agriculture-and-environment

Determining an Agricultural Worker's Grade

To determine an agricultural worker's grade, employers should consider:

- The worker's level of experience (how many years they have worked in the sector).
- The qualifications the worker has.
- Any additional responsibilities the worker undertakes (such as supervising staff, hiring staff, disciplining staff, or having management duties).

It is best practice to regularly re-evaluate grades to ensure workers are progressing appropriately.

For detailed guidance on assigning grades, refer to **Appendix A**.

Documentary Evidence

Agricultural workers should keep records of their qualifications and experience relevant to their job. They should inform their employer if they gain new qualifications or experience that could qualify them for a different grade.

Without these records, workers may not be able to prove they have the necessary qualifications and experience for a particular grade.

Employment Status of Agricultural Workers in Wales

Determining an individual's employment status is crucial for understanding their rights and the responsibilities of an employer.

There are three main types of employment status:

- employee
- worker
- self-employed.

Employee

An employee works under a contract of employment, which can be written or verbal. Employees must follow their contract terms and do the work themselves. They have many rights, including:

- written job details
- pay slips
- minimum wage
- holiday and parental pay
- flexible working requests
- protection from discrimination.

Worker

A worker also has a contract but might have more flexible terms than an employee. Workers might be casual, agency, freelance, seasonal, or on zero-hours contracts. They have rights like:

- minimum wage
- holiday pay
- protection from discrimination
- fair treatment if part-time.

Further guidance including how to establish an individual's employment status can be found in **Appendix B**.

This is intended as a guide only. Professional legal advice should be taken in relation to any specific issue or if the employment status of an individual is unclear.

5. Apprenticeships (Article 10)

When is a Worker Classed as an Apprentice in Wales?

A worker is considered an apprentice in Wales if they:

- Are employed under a contract of apprenticeship, or
- Have an agreement as defined by section 32 of the Apprenticeships, Skills, Children and Learning Act 2009, or
- Are treated as if they are employed under a contract of apprenticeship.

About Apprenticeships in Wales

Apprenticeships in Wales allow individuals to:

- Earn a wage while working alongside experienced staff to gain job-specific skills.
- Have a contract of employment, receive a regular wage, paid holidays, and the same benefits as other employees.

Duration and Levels of Apprenticeships

Apprenticeships in agriculture can take between one and four years to complete. There are three levels available:

- Foundation Apprenticeship
- Apprenticeship
- Higher Apprenticeship.

Minimum Rates of Pay for Apprentices 2025-2026 (Schedule 1)

Table 5

Category of Worker	2024 Rates	2025 Rates
Apprentice Year 1	£6.40	£7.55
Apprentice Year 2 (16-17 years)	£6.40	£7.55
Apprentice Year 2 (18-20 years)	£8.60	£10.00
Apprentice Year 2 (21+ years)	£11.44	£12.21

The apprenticeship age bands are aligned with the National Minimum Wage/National Living Wage.

6. Overtime (Articles 2 and 12)

The definitions of “basic hours” and “overtime” have been amended in the Order to clarify that overtime is payable once an agricultural worker has completed their basic contracted hours of work and that part-time workers must receive overtime pay for hours worked beyond their basic contractual hours.

- **Basic Hours:** Updated to a maximum of 39 hours per week or any other agreed hours in the worker’s contract or apprenticeship.
- **Overtime:** Redefined to mean any hours worked beyond the basic hours of work. This change simplifies when overtime is payable, allows flexibility to extend the working day beyond 8 hours if needed, and removes the issue of whether overtime is payable before an agricultural worker has completed their basic weekly contractual hours.
- **Guaranteed overtime:** overtime that an agricultural worker is required to work as part of their contract, and for which the employer guarantees payment, regardless of whether there is actual work to be done. This means the agricultural worker will receive overtime pay even if they are not needed to work those extra hours.

Overtime is paid at a rate which is equivalent to 1.5 times the agricultural worker’s actual hourly rate under their contract.

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

- in excess of basic hours of work or
- on a public or bank holiday.

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 excess of basic hours of work
- on a public or bank holiday
- on a Sunday and
- 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).

Example 1

An agricultural worker is employed for 39 hours per week and is also contracted to work an additional 5 hours of guaranteed overtime (i.e. they are contractually obligated to work this additional time if required, but if not required the employer pays them in any event).

Total contractual hours of work = 44.

If the agricultural worker works 47 hours in a week they will be entitled to:

39 hours at basic pay

5 hours guaranteed overtime at basic pay

3 hours at the overtime rate of 1.5 times their salary under their contract of employment.

Example 2 – In excess of contractual hours

Pre-2006 agricultural worker

If an agricultural worker's employment commenced prior to 1 October 2006, they are contracted for 39 hours, and in a week, they work:

Monday	8.5 hours
Tuesday	8.5 hours
Wednesday	8.5 hours
Thursday	8.5 hours
Friday	7.5 hours
Saturday	4 hours
Sunday	4 hours

Total of 49.5 hours in the week. They would be entitled to:

- 39 hours at basic pay
- 10.5 hours at the overtime rate of 1.5 times their salary under their contract of employment

Post-2006 agricultural worker

The same working pattern for an agricultural worker employed after 1 October 2006 but on the same contractual terms would result in the same entitlement:

- 39 hours at basic pay
- 10.5 hours at the overtime rate of 1.5 times their salary under their contract of employment.

Example 3 – Sunday work

Pre-2006 agricultural worker

If an agricultural worker's employment commenced prior to 1 October 2006, they are contracted to work 39 hours and in a week they work:

Monday	8 hours
Tuesday	8 hours
Wednesday	8 hours
Thursday	8 hours
Friday	No work
Saturday	No work
Sunday	7 hours

Total of 39 hours in the week. They would be entitled to:

- 32 hours at basic pay
- 7 hours at the overtime rate of 1.5 times their salary under their contract of employment

Post-2006 agricultural worker

The same working pattern for an agricultural worker employed after 1 October 2006 but on the same contractual terms would result the following entitlement:

- 39 hours at basic pay.

Example 4 – Bank Holiday

Pre-2006 agricultural worker

If an agricultural worker's employment commenced prior to 1 October 2006, they are contracted to work 39 hours and in a week they work:

Monday (Bank Holiday)	8 hours
Tuesday	8 hours
Wednesday	8 hours
Thursday	8 hours
Friday	7 hours
Saturday	No work
Sunday	No work

Total of 39 hours in the week. They would be entitled to:

31 hours at basic pay

8 hours at the overtime rate of 1.5 times their salary under their contract of employment

Post-2006 agricultural worker

The same working pattern for an agricultural worker employed after 1 October 2006 but on the same contractual terms would result in the same entitlement:

31 hours at basic pay

8 hours at the overtime rate of 1.5 times their salary under their contract of employment.

Example 5 – Contractual hours less than 39 hours

If an agricultural worker is contracted to work 25 hours per week and in a week they work:

Monday	6 hours
Tuesday	6 hours
Wednesday	6 hours
Thursday	6 hours
Friday	6 hours

Total of 30 hours in the week. Regardless of when they commenced their employment they would be entitled to:

25 hours at basic pay

5 hours at the overtime rate of 1.5 times their salary under their contract of employment.

7. Training Costs (Article 16)

Where an agricultural worker attends a training course with the prior agreement of their employer it is the employer's obligation to pay the fees and any travelling and accommodation expenses incurred by the agricultural worker in attending that course.

Where an agricultural worker has been continuously employed as an Agricultural Development Worker Grade A for a minimum of 30 weeks, they have deemed approval from their employer to undertake training with a view to attaining the necessary qualifications of an Agricultural Worker Grade B. Any such training will be paid for by the employer.

Article 16 has been updated to allow employers to recover training costs if an agricultural worker leaves their job during the training course or within 12 months of completing it, provided:

- The costs were funded by the employer and not by a third party (e.g. grants or subsidies) and
- The worker's contract includes provisions for recovering training costs.

Exceptions:

The worker will not have to repay training costs if the employer terminates their employment, except in cases of summary dismissal i.e without a period of notice (e.g., for gross misconduct).

8. Agricultural Sick Pay (ASP) (Articles 17-26)

Agricultural workers are entitled to sick pay from their employer if they are absent from work due to:

- any illness
- illness or incapacity caused by pregnancy or maternity
- an injury at work
- an injury while travelling to or from work
- recovery time from an operation due to an illness
- recovery time from an operation due to a work-related injury or an injury while travelling to or from work.

Sick pay does not cover:

- injuries that happen outside of work
- injuries that happen when not travelling to or from work.

Eligibility for Agricultural Sick Pay (ASP)

Workers qualify for ASP if they have worked for the same employer for at least 52 weeks (**Table 6**). The number of weeks they can receive ASP depends on their length of employment:

Table 6

Length of continuous employment with same employer	Number of weeks Agricultural Sick Pay permitted
In the 2nd year of employment	13
In the 3rd year of employment	16
In the 4th year of employment	19
In the 5th year of employment	22
In the 6th and all subsequent years of employment	26

Reporting and Payment

- Workers must inform their employer immediately when they fall ill.
- If the illness lasts 8 days or more, a medical certificate (Fit Note) is required.
- Sick pay is paid for normal working days up to the maximum ASP days.
- ASP is not paid for the first 3 days if the sickness lasts less than 14 days.
- Employers must pay sick pay weekly on the worker's normal payday during and after the sickness period.

Additional Information

- Two sickness periods separated by 14 days or less are treated as one period.
- Workers employed for less than 52 weeks may be eligible for Statutory Sick Pay (SSP). For more information, visit the UK Government website⁸.

ASP is payable at a rate equivalent to at least the minimum hourly rate of pay for the applicable grade. Any Statutory Sick Pay (SSP) received will be deducted from the ASP calculation.

The ASP amount is calculated based on the number of daily contractual hours that would have been worked during the sickness absence. The worker is entitled to their basic pay for these hours.

Worker with fixed number of weekly hours

For agricultural workers with a fixed number of weekly hours, the entitlement is calculated as follows:

1. Divide the total number of hours worked in a week by the number of days worked in that week.
2. Multiply the minimum hourly rate for the worker's grade by the number of working days the worker was off due to sickness.
3. If the sickness absence is less than 14 days, exclude the first three days of sickness before calculating the entitlement.

Example:

If a Grade D worker is contracted to work 35 hours each week spread over 5 days, the daily contractual hours worked is:

$$35 \div 5 = 7 \text{ hours (1 day)}$$

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).

$$\mathbf{1 \text{ day (7 hours)} = 7 \times \pounds 14.79 \text{ (the workers' basic hourly rate)} = \pounds 103.53}$$

The worker is entitled to 5 x daily rate = \pounds 517.65 ASP.

⁸ www.gov.uk/statutory-sick-pay

Worker with varying number of weekly hours

For agricultural workers with varying weekly hours, follow these steps to calculate the weekly and daily contractual hours:

1. Add up the total hours worked over an 8-week period.
2. Divide the total hours by 8 to find the average hours worked per week.
3. Divide the average weekly hours by the average number of days worked per week during the 8 weeks immediately before the sickness absence.
4. If the sickness absence is less than 14 days, exclude the first 3 days of sickness before calculating the entitlement.

Example:

Total number of hours worked in 8-week period = 229 hours

$229 \div 8 = 28.625$ (average weekly hours)

$28.625 \div 5$ (average number of days worked) = 5.725 (average hours worked per day)

5.725 (hours) \times $\pounds 12.59$ (the workers basic hourly rate) = $\pounds 72.08$

The worker is entitled to $\pounds 72.08$ in ASP per day.

$\pounds 72.08 \times 15$ (number of days of sickness) = $\pounds 1081.20$

The worker is entitled to $\pounds 1081.20$ in ASP.

9. Annual Leave Entitlement and Holiday Pay (Articles 30-39, Schedules 2-3)

All agricultural workers are entitled to paid annual leave, as well as other types of leave.

The annual leave period spans 12 months, starting on 1 October and ending on 30 September, unless a different 12-month period is mutually agreed upon by the agricultural worker and employer.

Holiday pay includes any regular payments the agricultural worker usually receives, including allowances and overtime.

Annual Leave Entitlement (Schedule 2)

The table below shows the annual leave entitlement in days and weeks.

Table 7

Days Worked Each Week	Holiday Entitlement (Days)	Holiday Entitlement (Weeks)
More than 6	38	6.3
More than 5 but not more than 6	35	5.8
More than 4 but not more than 5	31	6.2
More than 3 but not more than 4	25	6.3
More than 2 but not more than 3	20	6.7
More than 1 but not more than 2	13	6.5
1 or less	7.5	7.5

To comply with Section 1 of the Employment Rights Act 1996, employers must inform the agricultural worker at the beginning of their employment what their holiday entitlement will be. The statutory minimum under the Working Time Regulations is 5.6 weeks, however the Order provides agricultural workers with an enhanced entitlement to annual leave as set out in **Table 7**.

How to calculate the annual leave entitlement of agricultural workers under the Order

Agricultural workers with fixed working days

An agricultural worker who is employed by the same employer throughout the annual leave year with fixed working days should have their annual leave entitlement calculated in accordance with **Table 7**. If a worker is employed for only part of the year, their annual leave entitlement is prorated accordingly.

Agricultural workers with variable working days or hours

Where an agricultural worker works their basic hours on a varying number of days each week, their holiday entitlement should be calculated based on an average number of days worked during the previous 52 weeks (whether paid or unpaid) rounded to the nearest whole day. This can be calculated as follows:

- add up the total number of days the worker worked each week over the last 52 paid weeks
- divide that number by 52 to get the average days worked per week
- use this average to determine holiday entitlement using **Table 7**.

Example

A worker works varying days each week.

Total number of days worked over previous 52 weeks = 234

Average days worked per week over the 52-week period = $234 \div 52 = 4.5$

This results in a holiday entitlement of 31 days or 6.2 weeks (see **Table 7**).

If at the end of the annual leave year the agricultural worker has taken more holiday days than they were entitled to the employer can deduct pay for excess holiday days taken, or reduce the worker's leave for the following year provided the worker still has at least 5.6 weeks of leave.

Agricultural workers who are irregular or part-year workers

The Order has been updated to reflect the changes made to the Working Time Regulations which apply to agricultural workers who work irregular hours or for part of the year. For these workers holiday accrues as a percentage of the time they work.

An agricultural worker is considered an irregular hours worker if their paid hours vary significantly from one pay period to another. An example of this is a worker on a casual or zero-hours contract who is paid weekly but works different hours each week.

An agricultural worker is considered a part-year worker if their contract requires them to work only part of the annual leave year, with periods of at least a week where they are not required to work and are not paid. For example, a worker who only works and gets paid during the spring and summer months, with their contract reflecting periods of more than a week where they do not work or receive pay. When determining if a worker is a part-year worker, any periods of sick leave or statutory leave taken during the leave year are ignored.

If an agricultural worker is considered an irregular hours worker, or a part-year worker they accrue holiday:

- at a percentage of the hours they work in a pay period (dependant on the average number of days worked)
- on the last day of the pay period.

In order to calculate the relevant percentage, the employer will need to do the following calculation:

- use the workers total annual holiday entitlement (in weeks) based on **Table 7**
- divide this by the number of remaining working weeks in the leave year
- multiply the result by 100 to get the percentage of hours worked that count as holiday.

If the total annual leave entitlement includes part of a day (other than a half day):

- round down to the next whole day if it is less than half a day
- round up to the next whole day if it is more than half a day.

Example

An agricultural worker is entitled to 7.5 weeks of annual leave (as per **Table 7**) there are 44.5 working weeks remaining in the leave year ($52 - 7.5 = 44.5$):

7.5 (Total holiday entitlement) \div 44.5 (number of working weeks remaining in the annual leave year) =

$$0.169 \times 100 = 16.85$$

The holiday entitlement would be calculated as 16.85% of actual hours worked in a pay period.

In order to do this calculation, employers will need to determine the likely annual leave entitlement of the agricultural worker. There are a number of ways to do this. For example, by referring to the method used to calculate the annual leave entitlement for *Agricultural workers with variable working days or hours*, or by using the maximum entitlement provided for under the Order of 7.5 weeks.

Employers should seek legal advice if they are unclear about to the best method to calculate the annual leave entitlement to meet the orders minimum requirements.

A pay period is the time between when an agricultural worker gets paid. It is also called a pay schedule or payroll period.

Common pay periods include:

- weekly – worker gets paid every week
- fortnightly – worker gets paid every two weeks
- every 4 weeks
- monthly – worker gets paid once a month.

Agricultural workers who start employment part of the way through the Annual Leave Year

If a worker starts partway through the annual leave year, their annual leave builds up at a rate of 1/52nd of the annual leave entitlement specified in **Table 7** for each full week worked.

If the total annual leave entitlement includes part of an hour:

- round down to the nearest hour if less than 30 minutes
- round up to the nearest hour if 30 minutes or more.

Example

An agricultural worker works 4 days in a week.

Their full annual leave entitlement is 6.2 weeks or 31 days (see **Table 7**).

This means that for each full week worked the annual leave entitlement accrued is:

31 days (entitlement) ÷ 52 (weeks) = 0.56 days per week

Workers with irregular hours who start employment part of the way through the Leave Year

For irregular hours workers, the amount of leave accrued depends on how often they get paid (the pay period) and how many hours they work in a pay period.

Weekly paid

The calculation would be as follows:

Example

An agricultural worker works 4 days in a week so has an annual leave entitlement of 6.2 weeks or 31 days (see **Table 7**).

The annual leave entitlement accrued is:

31 days (entitlement) ÷ 52 (weeks) = 0.59 days per week

Monthly paid

If paid monthly the calculation would be as follows:

Example

An agricultural worker works 16 days in a month, averaging 4 days per week. Based on this, the Annual Leave entitlement for that month is 6.2 weeks or 31 days (see **Table 7**).

31 days (entitlement) ÷ 12 (months) = 2.58 days per month

Public or bank holidays

If a public or bank holiday falls on a day the worker normally works, and they are not required to work, it will count as a day of annual leave.

If a 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.

Recognised public and bank holidays are:

- New Year's Day
- Good Friday
- Easter Monday
- Early May Bank Holiday (first Monday in May)
- Spring Bank Holiday (last Monday in May)
- Summer Bank Holiday (last Monday in August)
- Christmas Day
- Boxing Day.

Employers have a legal responsibility to make sure workers take the holiday they are entitled to. Employers should plan with workers when they will take holiday they accrue in the final pay period of the leave year.

For example, they could:

- allow workers to take the holiday in the final pay period, before they have accrued it
- have a clear agreement to allow workers to carry over the holiday to the next leave year in accordance with the carry over provisions in article 34 of the Order
- make a payment in lieu of holiday in accordance with the provisions in article 37 of the Order (see below for further details).

Holiday Pay (Article 35)

When an agricultural worker takes annual leave, they must be paid for each day (or part of a day) of leave taken. For example, if a worker takes half a day of annual leave, they are entitled to half a day's holiday pay.

Holiday pay includes any regular payments the agricultural worker usually receives, including allowances and overtime.

Regular payments are any earnings the worker consistently receives as part of their normal wages. These are payments that are made on a predictable and recurring basis, not just occasionally or as a one-off.

Examples of what might be considered regular payments include:

- regular overtime (if consistently worked)
- regular allowances (such as dog allowance, on-call allowance, or night work allowance, if paid regularly)
- other consistent payments that form part of the worker's usual pay.

What would not usually count as regular payments:

- one-off bonuses or gifts
- irregular or unpredictable overtime
- reimbursement for expenses (like travel costs for a specific event).

Calculating Holiday Pay

The method for calculating holiday pay depends on whether the worker's gross pay is consistent or varies each week.

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 worker's normal weekly pay (any regular payments the agricultural worker usually receives, including allowances and overtime) in the 52 weeks before the calculation date.
2. Divide this amount by the number of days worked each week.
3. The result is the daily holiday pay. For part-day leave, calculate the pay proportionally.

Example

A worker is employed at Grade D, contracted to work 30 hours per week and works 5 days per week:

- $£14.79$ (hourly pay of Grade D worker) $\times 30 = £443.70$
- $£443.70 \div 5$ (days worked per week) $= £88.74$

The amount of holiday pay is £88.74 per day for the worker.

If the worker is taking a half-day as leave, the amount of holiday pay is £44.37 which is half of the full day holiday pay of £88.74.

Example

A worker is employed at Grade C, contracted to work 39 hours per week and works 5 days per week. It is also necessary for the worker to keep a dog to enable them to do their job, for which an allowance is received of £11.18 per week:

- £13.48 (hourly pay of Grade C worker) x 39 = £525.72
- plus dog allowance of £11.18 = £536.90
- £536.90 ÷ 5 (days worked per week) = £107.38

The amount of holiday pay is £107.38 per day for the worker.

If the worker is taking a half-day as leave, the amount of holiday pay is £53.69 which is half of the full day holiday pay of £107.38.

Holiday Pay for Workers with Varied Weekly Earnings

If the worker's gross pay varies from week to week the amount of holiday pay is calculated by taking the worker's average pay over the last 52 paid weeks.

A day of holiday pay is calculated as follows:

1. Calculate the worker's normal weekly pay (any regular payments the agricultural worker usually receives, including allowances and overtime) in the 52 weeks before the calculation date.
2. Divide the amount by 52 to get the average weekly pay.
3. Divide the average weekly pay by the days worked each week.

If the worker hasn't worked 52 weeks, use the actual number of paid weeks.

If there are unpaid weeks, do not include them and go back up to 104 weeks to find 52 paid weeks.

Example

A worker is employed at Grade C with varying hours, working 5 days per week:

- gross contractual pay over previous 52 paid weeks = £22,700
- average weekly pay = £22,700 ÷ 52 = £436.54
- daily holiday pay = £436.54 ÷ 5 = £87.31

The amount of holiday pay is £87.31 per day for the worker.

If the worker is taking a half-day as leave, the amount of holiday pay is £43.65 which is half of the full day holiday pay of £87.31.

Workers with varying working days per week

If the days worked each week by the worker vary it is important to calculate the average days worked per week as detailed in the section on calculating annual leave above.

Example

A worker (aged 21+) is employed at Grade B with varying working days each week

- the gross contractual pay over the previous 52 paid weeks is £19,900
- the average weekly pay for the period is $£19,900 \div 52 = £382.69$
- the total number of days worked over previous 52 weeks is 234
- the average days worked per week over the 52-week period is $234 \div 52 = 4.5$
- daily holiday pay = $£382.69 \div 4.5 = £85.04$

The amount of holiday pay is £85.04 per day for the worker.

If the worker is taking a half-day as leave, the amount of holiday pay is £42.52 which is half of the full day holiday pay of £85.04.

Payment instead of Annual Leave

It is possible for an agricultural worker to receive payment instead of taking some 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 **Table 8**.

Table 8: Payment for unused annual leave (Schedule 3)

Days Worked Each Week	Maximum Days That May Be Bought Out
More than 6	10
More than 5 but not more than 6	7
More than 4 but not more than 5	3
More than 3 but not more than 4	2.5
More than 2 but not more than 3	2.5
More than 1 but not more than 2	1.5
1 or less	1.5

Rolled up holiday pay

Rolled-up holiday pay means including holiday pay in a worker’s regular wages, instead of paying it separately when they take time off.

Rolled-up holiday pay is only allowed for Irregular Hours workers or Part-Year workers. It cannot be used for employees with regular, fixed hours.

Rolled up holiday pay is calculated as a percentage of the worker’s total pay in a pay period as follows:

Total holiday entitlement expressed in weeks (as set out in Table 9) ÷ the remaining working weeks in the leave year x 100.

Table 9

Days Worked Each Week	Holiday Entitlement (Days)	Holiday Entitlement (Weeks)	Percentage for Rolled Up Holiday Pay (52 – weekly entitlement gives the remaining working weeks in the leave year)
More than 6	38	6.3	13.79%
More than 5 but not more than 6	35	5.8	12.55%
More than 4 but not more than 5	31	6.2	13.54%
More than 3 but not more than 4	25	6.3	13.79%
More than 2 but not more than 3	20	6.7	14.79%
More than 1 but not more than 2	13	6.5	14.29%
1 or less	7.5	7.5	16.85%

- Rolled-up holiday pay must be paid at the same time as wages.
- It must be clearly itemised on the payslip.
- Workers do not receive extra pay when they take time off — the holiday pay is already included in their regular earnings.

Example 1:

- A worker earns £1,000 in a month and works, on average, between 3 and 4 days per week.
- The annual leave entitlement is 6.3 weeks (see **Table 9**).
- Rolled-up holiday pay = 13.79% of £1,000 = £137.90
- Total pay = £1,137.90
- The workers payslip must show £137.90 as a separate line for holiday pay.

Example 2:

- In one month, a worker works for 2 weeks and takes 2 weeks' holiday.
- On average they work between 2 and 3 days per week.
- They earn £500 in the month.
- The annual leave entitlement is 6.7 weeks (see **Table 9**).
- Rolled-up holiday pay = 14.79% of £500 = £73.95
- Total pay = £573.95
- The workers payslip must show £73.95 as a separate line for holiday pay.
- The worker will not receive any pay for their 2 weeks' holiday.

Further Guidance

Further guidance on calculating holiday and holiday pay for irregular hours and part year workers can be found here:

www.gov.uk/government/publications/simplifying-holiday-entitlement-and-holiday-pay-calculations/holiday-pay-and-entitlement-reforms-from-1-january-2024

Employers should check contracts before using rolled-up holiday pay and inform workers if they plan to implement it. The holiday pay should be clearly marked on each payslip and paid with regular wages.

10. Bereavement Leave (Articles 40-42)

All agricultural workers are entitled to bereavement leave after the death of a family member. This includes a parent, grandparent, grandchild, child, sibling, spouse, civil partner, or someone they live with as a spouse or civil partner.

Death of a Child

An agricultural worker is entitled to 2 weeks of bereavement leave. The agricultural worker will receive full pay for the first four days and an amount equivalent to statutory Parental Bereavement Pay for the remainder of the bereavement leave period.

“A child” means anyone under 18 years of age, including a stillborn baby after 24 weeks of pregnancy, and includes biological, adoptive, foster, and intended parents, as well as those with a court order for contact or those who have cared for the child for at least 4 weeks.

Death of a Parent, Spouse, or Partner

An agricultural worker is entitled to up to 4 days of bereavement leave and will receive full pay for the leave period.

Death of a Sibling, Grandparent, or Grandchild

An agricultural worker is entitled to up to 2 days of bereavement leave and will receive full pay for the leave period.

11. Unpaid Leave (Article 43)

Article 43 has been amended to make provision for unpaid leave which recognises the statutory obligations on employers to grant unpaid leave in certain circumstances.

Agricultural workers have the right to request a period of unpaid leave from their employer.

If the worker meets the eligibility requirements for time off for public duties or dependants under the Employment Rights Act 1996, parental leave under the Maternity and Parental Leave etc. Regulations 1999, or carer’s leave under the Carer’s Leave Regulations 2024, the employer must respond according to the relevant legislation.

In other cases, the employer may choose whether to approve the worker’s request for unpaid leave.

12. Miscellaneous Conditions

Young Workers of Compulsory School Age

Children under 13 are not allowed to work. In some areas of Wales, the minimum age for employment is 14. To find out the specific rules in your area, search for “Child Employment” on your local authority’s website. www.gov.wales/find-your-local-authority

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: www.gov.uk/child-employment.

Travelling Time

Agricultural workers are considered to be working when they travel as part of their job duties, such as moving from one field to another. They should be paid at the appropriate minimum rate for this travel time. However, commuting to and from work is not considered working time and is not paid.

Output Work (Piece Work) (Article 13)

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.

For further information on Output Work please visit the UK Government website at: www.gov.uk/guidance/calculating-the-minimum-wage/working-hours-for-which-the-minimum-wage-must-be-paid#output-work

Rest Breaks, Daily Rest and Weekly Rest Periods (Articles 28-30)

The Rest Break provisions in the Order align with the Working Time Regulations 1998.

For Workers Aged 18 and Over

- Workers are entitled to a 20-minute rest break if their daily working time exceeds six hours, unless otherwise agreed with their employer.
- Workers must have at least 11 consecutive hours of rest in each 24-hour period.
- The minimum rest period **may** be interrupted for activities involving split shifts or short durations.
- Workers are entitled to an uninterrupted 24-hour rest period each week, or two 24-hour rest periods, or one 48-hour rest period every two weeks.
- Compensatory rest is allowed if workers need to work during a rest period due to a foreseeable surge in activity (e.g., harvest or lambing time). If rest cannot be granted, employers must ensure appropriate protection for the worker’s health and safety.

For Workers Under 18

- Workers are entitled to a 30-minute rest break if their daily working time exceeds 4.5 hours.
- Workers must have at least 12 consecutive hours of rest in each 24-hour period.
- The minimum rest period can be interrupted for activities involving split shifts or short durations.
- Workers are entitled to a 48-hour rest period each week. This can be interrupted for split shifts or short durations and reduced to 36 consecutive hours for technical or organizational reasons.
- No child of compulsory school age shall work more than four hours in any day without a one-hour rest break.

13. Student Loan and Postgraduate Loan Repayments

If an employer has a graduate employee who received student loans while at university, the loan repayments must be automatically deducted from their pay by payroll, similar to National Insurance contributions, unless the employee is repaying the loan directly themselves.

When an employee with student loan deductions joins from a different role, their repayment plan will be detailed in their P45. If not, HMRC will send an SL1 and/or PGL1 start notice to inform the employer to begin deducting student loans.

Once deductions start, it is the responsibility of the payroll department or business owner to inform the employee about the types of deductions they will face. All deductions will be itemised on the employee's payslip.

Further guidance for employers on student loan and postgraduate loan repayments can be found here: www.gov.uk/guidance/special-rules-for-student-loans

14. Enquiries and Cases of Suspected Non-Compliance

It is a criminal offence to not pay agricultural workers at least the Agricultural Minimum Wage.

If you are an agricultural worker and believe your pay rate is below the correct Agricultural Minimum Wage, or if other minimum employment terms and conditions are not being met, you should first speak to your employer. You can request copies of your payment records during this discussion.

If the issue is not resolved, you can file a complaint and seek redress by contacting the Welsh Government:

E-mail: SLMEnquiries@gov.wales

Post: Agricultural Minimum Wage Team
Welsh Government
County Hall
Spa Road East
Llandrindod Wells
Powys LD1 5LG

Tel: 0300 060 4400

You may also want to discuss with your union representatives (see **Section 15** for useful contacts).

Your complaint/enquiry will be treated as confidential.

15. Useful contacts

National Farmers' Union (NFU Cymru)

Agriculture House
Royal Welsh Showground
Llanelwedd
Builth Wells LD2 3TU

Tel: 01982 554200

E-mail: nfu.cymru@nfu.org.uk

Farmers' Union of Wales (FUW)

Llys Amaeth
Plas Gogerddan
Aberystwyth
Ceredigion SY23 3BT

Tel: 01970 820820

E-mail: post@fuw.org.uk

Country Landowners Association (CLA Cymru)

Orbit Business Centre
Rhydycar Business Park
Merthyr Tydfil CF48 1DL

Tel: 01547 317085

E-mail: wales@cla.org.uk

Unite the Union (Wales)

Regional Office
1 Cathedral Road
Cardiff CF11 9SD

Tel: 02920 394521

E-mail: wales@unitetheunion.org

Lantra (Wales)

Royal Welsh Showground
Llanelwedd
Builth Wells
Powys LD2 3WY

Tel: 01982 552646

E-mail: wales@lantra.co.uk

Wales YFC

YFC Centre

Llanelwedd

Builth Wells

Powys LD2 3NU

Tel: 01982 553502

E-mail: information@yfc-wales.org.uk

For wider employment issues contact:

Citizens Advice

Helpline: **0800 702 2020**

Monday to Friday, 9am to 5pm

www.citizensadvice.org.uk/wales

Advisory, Conciliation and Arbitration Service (ACAS)

Helpline: **0300 123 1100**

Monday to Friday, 8am to 6pm

www.acas.org.uk

Appendix A: Determining an Agricultural Worker's Grade

The Agricultural Minimum Wage grading structure differentiates between five grades of agricultural worker based on qualifications, work responsibility and experience in agriculture (see **Section 4**).

It is best practice to regularly re-evaluate grades to ensure workers are progressing appropriately.

Documentary evidence

Agricultural workers should keep records of their qualifications and experience relevant to their job. They should inform their employer if they gain new qualifications or experience that could qualify them for a different grade.

Without these records, workers may not be able to prove they have the necessary qualifications and experience for a particular grade.

The Process

1. Inform the agricultural worker

Employers should involve the agricultural worker from the outset in the process of assigning the grade. They should explain why the process is necessary and what it will involve.

2. Evaluation

Employers should use the Grading Evaluation Form to set out the agricultural workers:

- a. level of experience
- b. qualifications
- c. additional responsibilities.

3. Seek additional information

The employer may need to request additional information from the agricultural worker e.g. evidence of qualifications they hold or references in relation to previous employment and experience.

4. Determine and communicate the outcome

Based on the information in the Grading Evaluation Form and any additional information obtained, the employer should, by reference to the grading structure, determine the appropriate grade for the agricultural worker.

The grade and the reasons for allocating the grade should be discussed with the agricultural worker and both the employer and the agricultural worker should sign and date the Grading Evaluation Form.

The agricultural worker should also be informed of the effect of their assignment to the grade, for example what their hourly rate of pay will be.

5. Consider any appeal

If the agricultural worker does not agree with the grade assignment, they should be given the option to appeal the outcome to their employer and provide any new information or evidence that they consider has not been taken into account in the original process.

Where possible this should be done by someone other than the original decision maker. In all instances the appeal should be considered impartially.

The outcome of the appeal should be communicated to the agricultural worker in writing.

Enquiries and further assistance

If an employer or an agricultural worker has a query related to assigning grades they should consult a relevant professional in the first instance (e.g. their accountant, trade union or legal advisor).

If this does not resolve the issue, they can contact Welsh Government:

E-mail: SLMEnquiries@gov.wales

Post: Agricultural Minimum Wage Team
Welsh Government
County Hall
Spa Road East
Llandrindod Wells
Powys LD1 5LG

Tel: 0300 060 4400

Your complaint/enquiry will be treated as confidential.

Grading Evaluation Form (with guidance)

Factor	Assessment & Record of Evidence Provided	Appropriate Grade & Reasons
Skills & Experience	Note the number of years' experience that the agricultural worker has, and any evidence provided to demonstrate e.g. references from previous employment	Consider the descriptions of the grades and determine the appropriate grade according to the evidence provided
Qualifications	Note any qualifications the agricultural worker has, and any evidence provided	Consider the descriptions of the grades and determine the appropriate grade according to the evidence provided
Responsibilities	Note any responsibilities currently held by the agricultural worker e.g. are they a team leader, do they implement management decisions or do they manage the holding or part of the holding run as a separate business?	Consider the descriptions of the grades and determine the appropriate grade according to the evidence provided
Grading Outcome	Based on the information above determine the appropriate grade	

Additional evidence or information considered (if applicable)

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Employer

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Date

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Agriculture Worker

.....

Date

Grading Evaluation Form (Blank)

Factor	Assessment & Record of Evidence Provided	Appropriate Grade & Reasons
Skills & Experience		
Qualifications		
Responsibilities		
Grading Outcome		

Additional evidence or information considered (if applicable)

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.....

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.....

.....

.....
Employer

.....
Date

.....
Agriculture Worker

.....
Date

Appendix B: Guidance on the Employment Status of Agricultural Workers in Wales

Introduction

This guidance is intended to assist farmers (as employers) and agricultural workers to understand their employment status and their associated rights. This guidance is an overview of the law in relation to the employment status of agricultural workers only, professional legal advice should be taken in relation to any specific matter.

An individual's employment status is important to determine what rights they have in relation to their employment, and the responsibilities of their employer.

In general terms there are three main types of employment status:

- employee
- worker
- self-employed.

Employees have more employment rights than workers. What constitutes an employee and what constitutes a worker is defined by law. It is not always easy to determine the difference between an employee and a worker.

Employee

The Employment Rights Act 1996 defines an employee as:

“an individual who has entered into or works under (or, where the employment has ceased, worked under) a contract of employment”⁹.

A contract of employment means:

“a contract of service or apprenticeship, whether express or implied, and (if it is express) whether oral or in writing”¹⁰.

An employee therefore will work to the terms of their contract of employment (e.g. in relation to the hours and days of work). Under that contract they will have to carry out the work personally. An employee is entitled to have a written statement of their employment¹¹ setting out the basic details of their employment e.g. salary, place of work, hours of work and notice.

Employees are entitled to a wide range of employment rights, including all those to which a worker is entitled.

⁹ Section 230(1).

¹⁰ Section 230(2).

¹¹ Section 1 of the Employment Rights Act 1996.

Examples of employee rights include:

- written statement of employment
- itemised pay slip
- the National Minimum Wage or Agricultural Minimum Wage as appropriate
- holiday pay, maternity and paternity pay etc
- the right to request flexible working hours
- the right not to be discriminated against.

Worker

The Employment Rights Act 1996 defines a worker as:

“an individual who has entered into or works under (or, where the employment has ceased, worked under):

(a) a contract of employment, or

(b) any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual”¹².

A worker will also therefore work to the terms of their contract of employment/contract for services although these terms may not be as prescribed as those in an employee’s contract of employment (for example hours and days of work may not be fixed).

Generally, a worker will have to carry out the work personally, however some workers may have a limited right to send someone else to carry out the work instead, such as a substitute or sub-contractor.

Workers could include:

- casual work
- agency workers
- freelance work
- seasonal work
- zero hours work.

¹² Section 230(3).

Workers are entitled to some employment rights including:

- the National Minimum Wage or Agricultural Minimum Wage as appropriate
- holiday pay
- protection against unlawful discrimination
- the right not to be treated less favourably if they work part-time.

Employment Status in the Agricultural Sector in Wales

The position in relation to employment status is slightly different in the agricultural sector in Wales from the general position as outlined above. In the agricultural sector in Wales for the majority of employment rights, there are two main types of employment status:

- agricultural worker (which covers employees and workers)
- self-employed.

There are also others who work in the agricultural sector in Wales such as agency workers, volunteers and individuals on work experience who may not fall within the definitions of worker or self-employed individual. These types of workers are also considered in this guidance.

“Agriculture” includes dairy farming, the production of any consumable produce for the purposes of a trade or business or any other undertaking (whether carried on for profit or not), the use of land as grazing, meadow or pasture land, the use of land for orchards, osier land or woodland, the use of land for market gardens or nursery grounds.

Agricultural Workers

An agricultural worker in Wales is entitled to the rights set out under the Agricultural Wages Order which includes rights to:

- the agricultural minimum wage
- holiday and holiday pay
- agricultural sick pay.

Whether agricultural workers are entitled to other rights in addition to those included in the Wages Order, e.g. maternity, paternity or shared parental leave, will depend upon whether they are an employee or a worker.

Self-employed

The other category of employment status is that of a self-employed individual. A self-employed person will generally run their own business and take responsibility for the success of that business. Self-employed people will be contracted to provide a service for a farm or farmer as a client rather than as an employer.

They do not have the same employment rights as agricultural workers.

Deciding on Employment Status

It is not always easy to determine the employment status of an individual. There have been a number of recent cases where individuals who have been described as self-employed have been found by the courts to be workers. In the context of agricultural workers, as we have outlined above, this would mean the individual would be entitled to the rights as set out in the Agricultural Wages Order. It is important therefore to make the correct distinction between an agricultural worker and a self-employed individual.

The employment status that applies to an individual will depend upon the specific arrangements made between the farmer and the individual and the relationship in question. However, the following factors will likely indicate that an individual is genuinely self-employed:

- The farm/farmer is not obliged to offer work on a regular or frequent basis and the individual has no obligation to accept any work that is offered.
- The individual is able to determine when and how they work and is not under the direct supervision of the farmer/farm manager.
- The individual does not have to carry out the services personally and is able to appoint someone as their substitute.
- The individual is free to provide their services to whomever they choose without operating exclusively for one farm or farmer.
- The individual is engaged for a finite period to carry out a specific task or project.
- The individual is paid on completion of a specific task or project and will not normally be paid overtime.
- The individual provides their own equipment and materials in order to perform the services.
- The individual will be personally responsible for any losses arising from their work. They may be required to correct any unsatisfactory work in their own time and at their own expense.
- The individual is responsible for payment of their own income tax and National Insurance Contributions on their earnings and is responsible for registering for VAT if the level of their supplies exceeds the relevant registration limit.

Conversely, an absence of the factors above may indicate that an individual is not genuinely self-employed and is more likely to be an agricultural worker.

Example

An individual is engaged by a farmer to repair fencing. The farmer sets out the service wanted (i.e. repairing the fence) but the individual determines when and how that service is delivered. They use their own equipment and can either undertake the work personally or appoint someone to do the work on their behalf. The individual is free to manage their time and work elsewhere provided the work is completed in an agreed time-frame. The individual is paid for the specific task of repairing the fencing and the individual is then responsible for their own income tax and National Insurance Contributions and for registering for VAT if relevant.

The individual is likely to be acting as a self-employed independent sub-contractor and not an agricultural worker.

Example

An individual is offered work periodically e.g. during lambing season. For the lambing period, they are required to work exclusively for that farmer for the hours agreed/needed. The individual works under the supervision of the farmer and must undertake the work personally (i.e. they cannot send someone else). The individual may be paid overtime.

The individual is likely to be an agricultural worker for the period they are engaged by the farmer. As such, the provisions of the Agricultural Wages Order will apply to them for the period of their engagement.

Other Types of Individuals Working in Agriculture in Wales

There will be other types of individuals working in the agricultural sector who do not fall within the definitions of agricultural worker or self-employed individual.

Volunteers

Volunteers are unlikely to have a contract in place. They will **not** be considered to be an agricultural worker for the purposes of the Agricultural Wages Order if the following apply:

- The volunteer is only paid reasonable out-of-pocket expenses in relation to their volunteering role (ideally in relation to receipts as opposed to estimated).
- The volunteer is not undertaking work in return for regular gifts or rewards (one-off gifts of a small value or free entry to events are unlikely to change a volunteer's status and make them an agricultural worker)

Payments to volunteers that could be construed as wages, for example regular payments that do not relate to actual expenses incurred, requiring volunteers to work regularly at specific times for specific periods and providing volunteers with holiday, may all indicate that the volunteer is in fact an agricultural worker.

Work Experience

The nature of work experience can vary greatly. The term 'work experience' generally refers to a specified period of time that a person spends working on a farm, during which they have an opportunity to learn directly about working life and the working environment.

It is possible for an individual doing work experience to be considered an agricultural worker depending upon the nature of the relationship and the length of the work experience provided. It is unlikely that individuals who are merely shadowing i.e. watching and learning whilst undertaking some hands-on involvement for a short period would be considered agricultural workers. However, individuals working for longer periods in a more hands-on role with specific tasks and responsibilities are more likely to be agricultural workers and therefore subject to the Agricultural Wages Order.

The following categories of individuals however are exempt from the National Minimum Wage and therefore the Agricultural Minimum Wage provisions set out in the Agricultural Wages Order:

- individuals of compulsory school age
- students undertaking work experience placements not exceeding one year as part of a UK based higher education or further education course.

Agency Workers

An agency worker is supplied by a temporary work agency to a farm/farmer to carry out work for the farm/farmer. The work is normally for a temporary period.

The Agency Workers Regulations give agency workers the right to the same basic working and employment conditions they would receive if directly engaged by the farm/farmer to do the same job.

Contractual Documentation

Having a written contract in place, which sets out the nature of the relationship between the farm/farmer and the individual, can provide clarification as to whether the individual is intended by the parties to be an agricultural worker, self-employed contractor, or volunteer.

For example, a contract with an individual which stipulates hours and place of work, supervision, pay, term of employment and which prevents the individual from working elsewhere, will indicate a relationship of employer/agricultural worker. On the other hand, a contract for a specific period or task, which allows a substitute or sub-contractor to be appointed, where payment is at the end of the task or period, paid according to invoice and which makes the individual liable for any losses arising from failure to complete the work will indicate a relationship of client/self-employed sub-contractor.

It is important to note however that courts, when determining the employment status of individuals, will look beyond what the contractual documents state (i.e. to see what actually happens in practice) in order to establish the reality of the relationship. So merely stating that an individual is intended to be self-employed in a contract will not necessarily be determinative of their employment status - this will depend on what actually happens in practice.

Obligations Under Auto-Enrolment for Pension

All UK employers are obliged to auto-enrol eligible workers in a pension scheme and make mandatory minimum contributions. An eligible worker will be an individual who:

- works under a contract. This covers permanent and temporary agricultural workers, agency workers and apprentices
- is aged at least 22 but has not reached state pension age
- who earns more than the earnings trigger of £10,000 a year.

Employment Status Checklist

Set out below are the key characteristics of:

- an employer/agricultural worker relationship (**left hand column**)
- an arrangement between a farm/farmer and a self-employed sub-contractor (**right hand column**).

You can use the checklist to help determine whether an individual is an agricultural worker (and therefore subject to the provisions of the Agricultural Wages Order) or a self-employed individual who is not.

No single characteristic is determinative of the employment status of the individual; you will need to look at the relationship as a whole. For example, you may be able to tick boxes in both the agricultural worker column and the self-employed column. If, however, you tick the majority of the boxes in the agricultural worker column it is likely that the individual is an agricultural worker and therefore subject to the Agricultural Wages Order.

The checklist is intended as a guide only, professional legal advice should be taken in relation to any specific issue or if the employment status of an individual is unclear.

Agricultural Worker	Tick	Self-Employed	Tick
The farm/farmer has offered the individual work and the individual has accepted that offer (i.e. there is a contract or agreement whether express or implied, oral or in writing that the individual will work for the farm/farmer).		The individual is engaged for a finite period to carry out a specific task or project.	
The individual is required to provide their services personally (i.e. they cannot send someone in their place).		The individual is not required to carry out the services personally and can send someone else in their place without approval in advance by the farm/farmer.	
The individual can send someone in their place but this must be approved in advance by the farm/farmer and can only be done in certain situations e.g. the individual is unable to work due to illness.			
The farm/farmer controls what the individual does, how they do it and when they do it.		The individual has the ability to determine when and how they work and is not under the direct supervision of the farm/farmer.	
The individual cannot work for anyone else without the approval of the farm/farmer.		The individual is free to provide their services to whomever they choose without operating exclusively for one farm/farmer.	
The individual is paid a fixed amount on a regular payment date (i.e. weekly/monthly) and payment is not necessarily linked to the completion of a specific task.		The individual is paid on completion of a specific task. They do not receive and are not entitled to additional benefits (e.g. paid holiday and sick pay) and will not normally be paid overtime.	
		The individual will be responsible for any losses arising from their work. They may be required to correct any unsatisfactory work in their own time and at their own expense.	
The farm/farmer provides the individual with the facilities and/or equipment required by them to carry out their job.		The individual provides their own equipment and materials in order to perform the services.	
The individual is not responsible for the payment of income tax and National Insurance Contributions on their earnings, the farm/farmer assumes this responsibility.		The individual is responsible for payment of their own income tax and National Insurance Contributions on their earnings and is responsible for registering for VAT if the level of their supplies exceeds the relevant registration limit.	

Appendix C: Flexible working and job sharing in the agricultural sector

This guidance note is intended to provide general information only and should not be relied upon as legal advice. Please consult with a qualified employment lawyer if you have any specific questions.

Adopting flexible working arrangements can make it easier for people to work in and pursue a career in agriculture in Wales. This has benefits for agricultural employers including in relation to the recruitment and retention of staff. By implementing flexible working arrangements, agricultural employers can create a more attractive and productive workplace.

This guidance note provides an overview of flexible working and job sharing in the agricultural sector in Wales.

What is flexible working?

Flexible working is an arrangement that allows employees to have more control over their working hours. This can include working part-time, compressed hours and flexi-time.

Example

An agricultural worker working 39 hours per week could agree with their employer that they will work these hours in 4 days with 3 days off per week.

An agricultural worker could agree that they will work 25 hours per week.

What is job sharing?

Job sharing is a type of flexible working arrangement where two or more people share the responsibilities of one full-time job. This can be done in a variety of ways, such as working alternating days or weeks, or working different hours each day.

Example

An employer could hire two agricultural workers and they split the role between them, one completing their agreed working hours at the beginning of the week and the other at the end of the week ensuring that the role is covered full time, but by two agricultural workers instead of one.

Benefits of flexible working and job sharing

There are a number of potential benefits of flexible working and job sharing in the agricultural sector, including:

- increased satisfaction and retention
- improved work-life balance
- allowing caring responsibilities to be taken into consideration
- access to a wider pool of job applicants
- increased productivity
- reduced absenteeism
- improved health and well-being.

Legal considerations

An agricultural worker who is an employee (see agricultural worker status below) has the right to request flexible working arrangements from their employer. They do not have to have a specific reason for making the request.

That request must be made in writing and set out the flexible working arrangement requested e.g. part-time working, flexible working or changes to contractual working hours.

An employer must consider all requests for flexible working seriously and respond within a reasonable timeframe, which is generally considered to be within two months.

If an employer is minded to reject a request then they must consult with the employee before doing so.

Employers can only refuse a request on one of eight valid business reasons, which include:

- The burden of additional costs (e.g. cost of hiring and employing additional workers as cover).
- A detrimental effect on the employer's ability to meet demand.
- The inability to reorganise work among existing staff (e.g. if there is no-one available to cover the flexible working arrangement).
- The inability to recruit additional staff (e.g. if the employer considers they will struggle to recruit someone to cover the flexible working arrangement).
- A detrimental impact on quality.
- A detrimental impact on performance.
- Insufficiency of work during the periods the employee proposes to work (e.g. if the flexible working request proposes that the employee works during times where there will not be a sufficient amount of work for them to do, or it will not be feasible to do the work that needs to be done at those times).
- Planned structural changes (e.g. if an employer is looking to make changes to staffing or rotas etc.).

If an employer cannot accommodate the request that has been made, alternative options can be considered and discussed with the employee. A trial arrangement can also be agreed to assess whether the flexible working arrangements requested are workable.

If an employer refuses a request, they must provide a clear explanation for their decision in writing and give the employee a right to appeal.

An employee can make up to two flexible working requests in any 12-month period.

The employer should:

- ask for the request in writing
- consider the request fairly
- discuss it with the employee
- look at other options if the request is not possible
- make a decision based on facts and not personal opinion
- only turn down the request if there is a valid business reason (as set out above)
- give the employee a decision within 2 months of receiving the request (unless this has been extended by agreement).

Agricultural Worker Status

Because of the nature of agricultural work not all agricultural workers will have the status of employees (see **Appendix B**).

Under UK employment law, only employees have the right to request flexible working arrangements. However, if those who are classed as workers are excluded from a flexible working arrangement, this may expose the employer to other employment law claims such as discrimination and legal advice should be sought.

Implementing flexible working

If you are an agricultural employer and you are considering implementing flexible working or job-sharing arrangements, you should discuss with your workers what their needs and preferences are in terms of flexible working and monitor any arrangements you put in place to ensure they are working effectively.

Further information

For further information on flexible working and job sharing in the agricultural sector, please refer to the following resources:

The UK Government's website on flexible working: www.gov.uk/flexible-working

The ACAS Statutory Code on flexible working: www.acas.org.uk/acas-code-of-practice-on-flexible-working-requests/html

Appendix D: Relevant UK Legislation

The Agency Workers Regulations 2010

www.legislation.gov.uk/uksi/2010/93/contents

Apprenticeships, Skills, Children and Learning Act 2009

www.legislation.gov.uk/ukpga/2009/22/contents

The Carer's Leave Regulations 2024

www.legislation.gov.uk/uksi/2024/251/contents/made

The Employment Rights Act 1996

www.legislation.gov.uk/ukpga/1996/18/contents

The Maternity and Parental Leave etc Regulations 1999

www.legislation.gov.uk/uksi/1999/3312/contents

National Minimum Wage Act 1998

www.legislation.gov.uk/ukpga/1998/39/contents

The Parental Bereavement Leave Regulations 2020

www.legislation.gov.uk/uksi/2020/249/contents/made

The Working Time Regulations 1998

www.legislation.gov.uk/uksi/1998/1833/contents