

**Consultation on a proposal to revoke the
Agricultural Wages (Regulation) (Northern
Ireland) Order 1977 (Abolition of the
Agricultural Wages Board)**

CONSULTATION RESPONSES

October 2021

LIST OF RESPONDENTS

Responses are listed in alphabetical order and contain the original wording of responses as received (whether through the Citizen Space survey tool or by email correspondence).

Clicking on the headings below will take you to the individual responses.

1. Association of Labour Providers (ALP)
2. ESRC: Feeding the Nation
3. Farmers For Action
4. Fermanagh and Omagh District Council
5. Fresh Fields
6. Green Party
7. Irish Congress of Trade Unions NI Committee
8. McCloy, R
9. Molenan Estate
10. NI Council for Racial Equality (NICRE)
11. O'Neill, B
12. Roy Lyttle Limited
13. Rural Community Network
14. Sinn Féin
15. Ulster Farmers Union
16. Unite the Union

If the separate NIAWO did not exist there would be no justification whatever for introducing it; it does exist and there is no logical justification for maintaining this special arrangement for one sector.

2. Not all agricultural workers are covered by the NIAWO

The NIAWO applies to workers who are “employed in agriculture”. Employment means “employment under a contract of service or apprenticeship.” Workers engaged by labour providers on contracts for services are not employees as defined under section 230(1) (a) the Employment Rights Act 1996 but are instead workers as defined under 230(3)(b) of this Act. Workers on contracts for services have therefore never been covered by the NIAWO and as such there is a requirement only to provide them with terms in accordance with national laws.

Inconsistency, lack of clarity and perverse situations are created through the interpretations of what is and what is not “agriculture”, particularly with regard to packhouse workers, as the following definition from Defra shows:

- The packaging and processing of produce is deemed to be agricultural work if the produce has been grown on the farm (or enterprise, which could consist of more than one farm or unit in the same ownership or group) where the packing takes place and it is considered to be "first stage packaging" (in other words the last stage in the production process, before the produce is sold on).
- Where the produce to be packaged / processed is bought in, either from farms in different ownership or imported, workers employed in any aspect of packing, processing or handling are not covered by the provisions of the Order.
- On the processing side, it depends on whether the nature of the produce is substantially changed as to whether workers are covered by the Order. For example, turning potatoes into chips would be outside the scope of the Order, irrespective of whether the potatoes are bought in or home grown. Workers engaged in simple processing (for example, topping and tailing, to render vegetables into saleable condition) would be covered by the Order if they were dealing with produce which that had not been bought in.
- If the packaging is a very technical process or the goods have been extensively processed before the packing operation, workers could be considered to be employed in a separate industry from the farm.
- With regard to workers handling produce after it has been packed, these would be covered by the Order if the produce has not passed its first point of sale.

3. Distortions that work to the disbenefit of workers

The NIAWO results in distortions that work to the disbenefit of workers. The major one is the requirement that overtime must be paid after eight hours a day and 39 hours a week. The minimum overtime rate is 50% more than the basic rate. Many agricultural businesses simply cannot recover from their customers, labour costs that are 50% above the minimum wage. The result is that most agricultural businesses that take labour from labour providers stipulate that workers can work no more than eight hours a day and 39 hours a week. Many, if not most, agricultural workers want to work longer hours than these and have no expectation of being able to be paid 50% more than the minimum wage. They are denied the opportunity of working longer hours and earning more money. In reality this gives further encouragement to the “informal economy”, as if workers want to work 60 hours a week they will do so.

4. The complexity of the NIAWO

The Act is unnecessarily complicated which makes it difficult to understand and to operate:

- Agricultural holiday pay arrangements require special calculations that most payroll systems cannot deal with
- ALP raised an issue in May 2016 regarding a potentially discriminatory issue regarding overtime following the introduction of the National Living Wage.

- Agricultural sick pay arrangements are complex

The more complex rules are not understood or are disregarded. This is of little relevance to farms as there is no enforcement that the ALP is aware of but is of great importance to labour providers for whom enforcement is conducted by the GLAA and the consequences of non-compliance are significant.

The NIAWO complexity is accentuated where workers are subject to both NIAWO and NMW rules. It would be a welcome simplification of a complex regulatory regime to have a single set of minimum wage rules for all workers.



From: *Feeding the nation: seasonal migrant workers and food security during the COVID-19 pandemic* <https://feedingthenation.leeds.ac.uk/> Research funded by United Kingdom Research and Innovation.

To: AWB Consultation Team

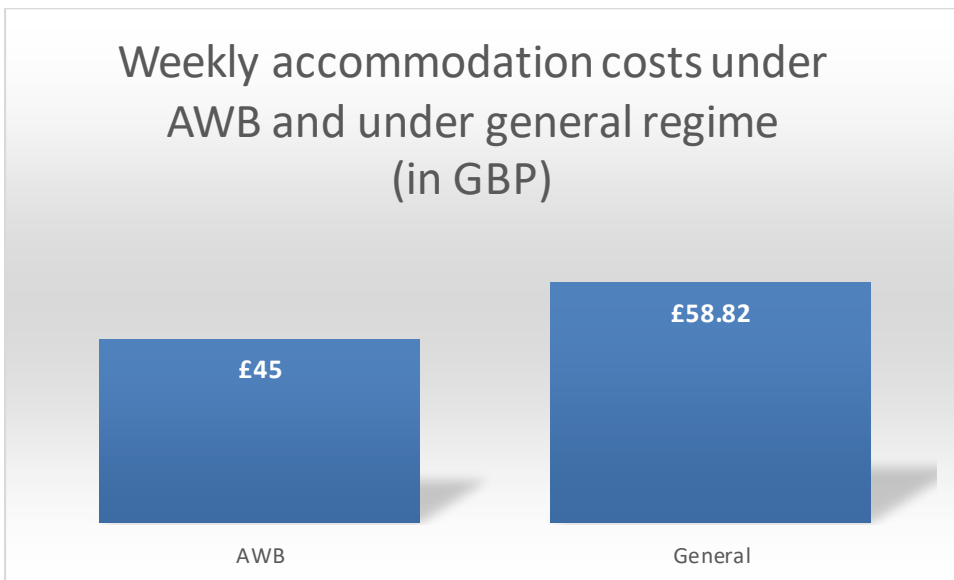
Re: Consultation on the proposal to revoke the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 (Abolition of the Agricultural Wages Board)

1.	1. We start with a brief overview of seasonal migrant workers in agriculture (edible horticulture) (1), followed by the benefits of the Agricultural Wages Board to seasonal workers (2). The proposed abolition to the Agricultural Wages Board may adversely impact seasonal migrant workers due to two protections it currently offers with regards to accommodation (5 and 6) and bereavement (7).
2	Equality impact and seasonal migrant workers 20% of the agricultural workforce in Northern Ireland are migrants and horticultural farms are the most likely farm type to use migrant labour ¹ . Therefore, as a labour force they are crucial for the sustainability of the agri-food system, both in terms of availability of fresh produce and fair working conditions for those involved in its production.
3	Without such structures as the AWB, representation can prove difficult for seasonal workers to access due to the temporary nature of employment and unfamiliarity with rights or support systems. The likely impact on equality of opportunity for those affected by this policy is that seasonal migrant workers will be disadvantaged with implications for equality and diversity on the grounds of race and ethnicity.
4	Based on our research, we suggest retaining the Agricultural Wages Board on the following basis:
5	Accommodation Seasonal migrant workers are reliant on shared accommodation which is on or close to farm workplaces when living away from their home country. 98% of seasonal migrant farm workers in Scotland rent accommodation from their employer ² . In the AWB Proposal section 4.1. Summary of Measures, it is stated that the maximum amount deductible

¹ DAERA, 2018. Survey of Migrant Labour in Northern Ireland Agriculture. <https://www.daera-ni.gov.uk/news/results-migrant-labour-survey-completed-ni-agricultural-sector>

² FLEX, 2021. *Assessment of the Risks of Human Trafficking for Forced Labour on the UK Seasonal Workers Pilot*. <https://labourexploration.org/publications/assessment-risks-human-trafficking-forced-labour-uk-seasonal-workers-pilot#overlay-context=publications/assessment-risks-human-trafficking-forced-labour-uk-seasonal-workers-pilot>

	for provision of accommodation will rise by £17.52 per week as the current rate of £45.00 per week would be replaced by £58.82 per week (Figure 1).
6	Accommodation The proposed abolition to the Agricultural Wages Board and rise to accommodation costs may contribute to the economic vulnerability of workers. There are already significant costs ensued by seasonal migrant workers to access work, including visas, travel and clothing ³ . They are often on zero-hour contracts and the availability of work is dependent on unpredictable timing of weather and seasons, given they determine when crops are ready to harvest. The rationale to bring agriculture into line with all other sectors of the NI economy does not translate due to the specificity of the working context. There is no guaranteed work, yet workers are still charged for accommodation, so it is essential that living costs are affordable.
7	Bereavement In Scotland if a close member of an agricultural worker’s family dies, they are entitled to at least 3 days paid leave ⁴ and in Wales if a family member dies, agricultural workers have a paid entitlement of one to four days leave ⁵ . In Northern Ireland, farm workers are the only kind of workers currently to have the right to paid bereavement leave ⁶ . By the removal of this policy, it will disadvantage migrants who may lose a family member while away and must travel home without any financial support.



³ FLEX, 2021. *Assessment of the Risks of Human Trafficking for Forced Labour on the UK Seasonal Workers Pilot*. <https://labourexploitation.org/publications/assessment-risks-human-trafficking-forced-labour-uk-seasonal-workers-pilot#overlay-context=publications/assessment-risks-human-trafficking-forced-labour-uk-seasonal-workers-pilot>

⁴ Scottish Government, 2021. *Agricultural wages: guide for workers and employers - 25th edition*. <https://www.gov.scot/publications/agricultural-wages-scotland-twenty-fifth-edition-guide-workers-employers/>

⁵ Welsh Government, 2020. *Agricultural wages in Wales 2020: guide for workers and employers*. <https://gov.wales/agricultural-wages-guidance>

⁶ Unite the Union, 2021. *Let’s Protect Farm and Agricultural Field Workers!* https://www.unitetheunion.org/media/3782/9410_hands-off-awb-ni-3-1.pdf

If you have any questions regarding this submission, please do contact us. We hope this submission proves useful in the consultation.

[Redacted]

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[Redacted]

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

Submitted to Consultation on the proposal to revoke the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 (Abolition of the Agricultural Wages Board)

[REDACTED]

Introduction

What is your name?

Name:
Farmers For Action

What is your email address?

Email:
[REDACTED]

If applicable, what is your organisation?

Organisation:
Farmers For Action

Proposal to abolish the AWB and founding legislation

Do you support the proposal to abolish the AWB and founding legislation?

Yes¹

Do you have any comments in support of your views (whether for or against the proposal) which you want the Department to consider?

Comments in support of your views:

We refer you to Unite the Union's Submission which we have seen and support.

In addition, we highlight the need for the Northern Ireland Farm Welfare Bill to enable family farmers (employers) in Northern Ireland to have the finance to lift the farming industry in particular that FFA represent out of poverty in Northern Ireland and be in a financial position to back up the proper wages, conditions and standards required by the continuation of the Agricultural Wages Board's purpose in seeing that international labour agreements, European labour agreements and UK labour agreements and conditions are adhered to.

Revelations of recent slave labour discoveries in our industry in Northern Ireland are not the sort of headlines we as an organisation are prepared to tolerate being associated with our industry, just as we are not prepared to tolerate farming families not being properly paid for their produce at the farm gate!

To conclude, the Agriculture Wages Board is needed just as the Northern Ireland Farm Welfare Bill is needed, both go hand in hand to make Northern Ireland a better place.

Regulatory Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Regulatory Impact Assessment?

Yes

If you have answered yes above, please provide your comments here

Evidence to support your view:

We refer you again to Unite the Union's very detailed submission

Equality Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Equality Impact Assessment?

Yes

If you have answered yes above, please provide your comments here

Evidence that supports your view:

¹ Farmers For Action answered 'Yes' in error to the question 'Do you support the proposal to abolish the AWB and founding legislation?' This has been clarified with the respondent and is reflected within the Consultation Report.

We refer you again to Unite the Union's submission

Rural Needs Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Rural Needs Impact Assessment?

Yes

If you have answered yes above, please provide your comments here

Evidence that supports your view:

The Northern Ireland Farm Welfare Bill is required to feed rural needs with the finance required for the wellbeing of farming families as employers and their staff today and future apprentices and staff.

Other Comments

If so, please provide them in the space below

Additional views or comments on the proposals:

Farmers For Action are not prepared to see the demise of any body that was put in place for the good of rural Northern Ireland and this is one of them. The Department will further isolate itself from those whom its duty as civil servants is to do everything possible to administer and deliver the support of the laws of the land and their requirement for rural Northern Ireland.

If you have added any further comments above in relation to the proposal, what additional potential economic, equality or rural needs impacts might there be in relation to any of your comments?

Economic, equality or rural needs impacts:

To deliver anything less than the AWB requires and the requirement for the Northern Ireland Farm Welfare Bill in today's world where food corporate control of markets abound will further promote rural slavery.

[REDACTED]

Submitted to Consultation on the proposal to revoke the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 (Abolition of the Agricultural Wages Board)

[REDACTED]

Introduction

What is your name?

Name:

[REDACTED]

What is your email address?

Email:

[REDACTED]

If applicable, what is your organisation?

Organisation:

Fermanagh and Omagh District Council

Proposal to abolish the AWB and founding legislation

Do you support the proposal to abolish the AWB and founding legislation?

No

Do you have any comments in support of your views (whether for or against the proposal) which you want the Department to consider?

Comments in support of your views:

Fermanagh and Omagh District Council understands from the consultation document that the proposals, if agreed, would result in legislation to abolish the Agricultural Wages Framework. The Council has serious concerns that removing the AWB could place agricultural workers at a disadvantage in comparison to other workers in other sectors. These concerns will be reflected throughout this consultation response document.

The Council notes that this is not the first time that there have been discussions on abolishing the Agricultural Wages Board (AWB). In the 2000s, there were similar proposals to abolish it, however a decision was made against this in 2008.

The AWB has been in existence in some form since World War 2 and it has been repeatedly recognised as playing a key role. Most recently in Northern Ireland plans to abolish the Board were overturned in 2007/2008, when the then Agriculture Minister stated the important role it plays in protecting the rights of agricultural workers. Furthermore, despite the Government in Westminster abolishing the body for England, the Regional Governments in both Scotland and Wales recognised the importance of retaining the body.

In addition, the Council argues that the situation in England since the abolition of the AWB has not positively impacted upon farm workers or businesses. The Council would argue that since the abolition, the incomes of workers in England have suffered, with the lowest paid workers suffering most. The Council has major concerns that abolishing the AWB in NI could result in similar events here.

It can be argued that Northern Ireland should be no different to Wales or Scotland, and that there is a particular need for the AWB to look out for, and protect, all agricultural workers – particularly given the current climate and uncertainty surrounding the EU Exit. The agriculture sector is traditionally a sector that receives substantial public funds, particularly from EU funding, and EU Exit could have a major impact on the future viability of the sector going forward.

The Council believes that the AWB has played a key role in guaranteeing minimum standards not only on wages/pay, including wage rates which are greater than those provided by the National Minimum Wage, but also on other areas including sick pay and holiday pay. The AWB has provided a unique opportunity to agricultural employees by providing them with a forum for representation in a sector which can be difficult to engage with due to its disparate nature.

Further concerns that the Council has would be in relation to the potential for future exploitation of agricultural workers, some of whom are migrant workers with limited English or social network support. These workers are traditionally amongst those most at risk of being vulnerable to exploitation and the AWB has always provided some level of protection.

The Council believes that the AWB plays a pivotal role in protecting agricultural workers, including providing a guarantee on:

- Breaks.
- Leave.
- Overtime rates.

The Board does place considerable 'regulatory and administrative burden' on local farmers – many of whom run small businesses in rural isolated areas. Many farmers within the Fermanagh and Omagh District struggle with the administrative tasks for a number of reasons including broadband accessibility and time constraints. Consequently, many small farm businesses hire in external assistance which places a further financial burden on an already

struggling business.

However, whilst acknowledging those concerns, The Council believes that the administrative burden could be simplified in such a way as to minimise any negative impacts. It is also important to counter-balance the fact should the AWB be abolished, smaller farmers and farm businesses would be in the difficult position of setting wages for their employees. The existence of the AWB avoids the need for farm businesses to undertake these negotiations, resulting in cost savings for farmers.

The Council also notes that in recent times there has been many pieces of legislation introduced aiming to align wages within all sectors – namely: National Minimum Wage (1998) and National Living Wage (2016). With the introduction of these pieces of legislation there is an argument as to the effectiveness of the AWB, however the Council feels the sector as a whole would benefit from the Board retaining an oversight role, especially given that the Board generally protects much more than just wages as outlined above.

The Council queries the number of farm workers outlined within the consultation documents. The document states that the number of paid workers in 2019 was 6,738. However, the Agricultural Census for Northern Ireland depicts a different image – with an estimated 11,910 people employed in the Agricultural sector in 2019 with this figure rising to 11,983 for 2020.

In addition, there are an estimated 39,318 farm partners, directors and spouses directly linked to the Agricultural sector giving a total labour force of 51,301 for the NI Agricultural sector in 2020. This represents an increase of 1,878 people or 3.8% on the total figure for 2019.

The Council, from discussions with local residents and stakeholders, understands that the dispersed nature of agricultural workers are means that they are difficult to liaise with, and therefore to protect. In many local instances, farms can be small/micro businesses and there can often be high levels of staff turnover or temporary/seasonal work.

Migrant workers make up a significant proportion of the workforce and they can often encounter communication barriers (due to language), barriers in accessing services/support, as well as some having issues with their legal status within Northern Ireland. All of this can add to migrant workers having concerns about dealing with authority or enquiring about legal rights and therefore, they need an added level of protection.

There are particular issues around the exploitation of agricultural field workers – which Modern day ‘slavery’ is not uncommon in NI farms and we could quote some recent examples to good effect. The PSNI repeatedly state that modern day slavery often happens ‘in plain sight’ on farms and within other small businesses (i.e. car washes). The statistics for the number of victims of modern-day slavery in Northern Ireland are increasing year on year:

2019: 91

2018: 52

2017: 31

Some examples include:

- 16 people being rescued from a farm in South Armagh. The rescue included men and women, aged between 18 and 45. (2015)
- A separate investigation in Belfast (around the same time) resulted in 5 people being rescued.

Workers who have difficulty protecting themselves from exploitative practices by employers – who are often temporary/seasonal, migrant workers perhaps with limited English language competency – find it exceptionally difficult to collectively organise to defend even basic rights let alone overtime rates.

In NI, the AWB has secured:

- Incomes for workers at a higher level to National Minimum Wage.
- Ensuring that workers with disabilities / injuries, do not fall behind in terms of income (due to piece rate schemes, etc.)
- Guaranteeing overtime at 1.5 times the standard rate. (This is particularly relevant as many workers on farms work longer hours than other sectors, particularly in the summer months, to make the most of the day light). Without this agreement there would be no guarantee of overtime rates for workers employed 39 hours or more.
- Sick pay – leaving farm workers not having to rely solely on Statutory Sick Pay.

Locally, there are concerns that the abolition of the AWB and the removal of the oversight/protection role has the potential to impact the long-term sustainability of the farming sector. In a sector which already struggles to attract investors and new entrants, removing these safeguards could further impact the number of young people willing to take up roles within the sector.

In terms of the AWB's role, the Council agrees that there is a need to reform the AWB and take into account the unique position of the Agricultural sector in NI today which plays a pivotal role in the food supply chain.

Regulatory Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Regulatory Impact Assessment?

Yes

If you have answered yes above, please provide your comments here

Evidence to support your view:

The Council has significant concerns in relation to the abolition of the AWB and how it will impact upon farm workers and farm businesses locally.

The Regulatory Impact Assessment for the proposal makes reference to 'simplifying legislation' to be applied to the pay, conditions, removing duplication in relation to agricultural workers. However, the Council has concerns that the removal of AWB will only prove advantageous to the Department as opposed to farm workers and businesses.

Abolishing the AWB will result in farm businesses having to negotiate conditions and pay rates with its employees. This will prove time consuming and may have to be done on an annual basis. In addition, it places the owner of farm business in a difficult position as many will have limited or no relevant experience which could result in future problems e.g through the Tribunals system.

Farm businesses are busy environments and, in the current climate, many businesses are struggling due to uncertainty surrounding EU Exit and the last thing that is needed is loading more pressure on the owners in terms of wages/entitlements/etc.

There are also the facts that many farm businesses, particularly in the Fermanagh and Omagh District, are small/micro businesses, meaning that the owner is often a key member of the working team and is therefore needed for other tasks. There is often a pattern of cyclical/temporary employment, with high turnovers, meaning that farm business owners could have to enter these negotiations several times per year – particularly at busy times.

The existence of the AWB took all these pressures and responsibilities away from farm business owners, meaning they could focus on their business and the agricultural processes rather than the administration processes.

The Council is therefore concerned that the removal of the administrative burdens from the Department would effectively result in simply placing further burdens/pressures on farm business owners.

In terms of the policy options mentioned within the Regulatory Impact Assessment, the Council is disappointed that there are only two – namely:

1. Do nothing.
2. Abolish.

A third option would be to reform the AWB similar to the AWB in Scotland, increasing its remit and even reducing the number of yearly meetings. For many stakeholders, including the Council, this would be a preferred option and this is detailed throughout this consultation response.

Equality Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Equality Impact Assessment?

Yes

If you have answered yes above, please provide your comments here

Evidence that supports your view:

Council notes that the draft assessment has concluded that the proposed change to the legislation may have an adverse impact on age and racial group. Council would stress that it is clearly going to have a particularly adverse impact on minority communities (migrant workers) and young people. The impact on young people, where the wage differential between AWB and NMW rates is the largest, will provide a disincentive for potential new entrants to a sector desperate for new entrants (and suffering labour shortages as a result of Brexit). Young people from existing farm families reflect the majority of this Group's representation in the sector. The figures from 2019 show that almost half of all agricultural farm workers are not categorised as 'paid' but 'other' indicating the prevalence of informal working in the sector.

Rural Needs Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Rural Needs Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence that supports your view:

Other Comments

If so, please provide them in the space below

Additional views or comments on the proposals:

The Council has concerns that abolishing the AWB may simply be seen as a cost saving measure given that the Board costs the Department approximately £23,000 per year, half of which is the nominal cost of a 0.5 FTE admin. This is lowest cost of any public body in NI. However, given the positive impact that the Board has on the sector, especially in protecting the rights of vulnerable employees, Council believes that every effort should be made to reform and retain the AWB. The AWB is the last collective bargaining body covering the private sector in Northern Ireland providing an important vehicle for sectoral bargaining. There is a particular logic for the AWB given the nature of employment (small scale difficult to collectively organise workers), and the grant-subsidised nature of food production. Specific provisions for improved break times and sick pay are necessary given the higher

prevalence of workplace injury, augmented holiday and bereavement rights are particularly necessary given that these are often low paid migrant workers who need time to get home to visit family.

The number of yearly meetings could be reduced from three to two and this would be in line with the number of meetings held by the Scottish AWB. The Council would also argue that the AWB being abolished in England does not necessarily mean that Northern Ireland should follow suit. The role of agricultural businesses within Northern Ireland, both currently and historically, is considerably different to England including the number and size of farm holdings and businesses.

Members of the Council have paid tribute to the AWB for the positive contribution which it has made in protecting the rights of agricultural workers, some of whom are amongst the lowest skilled and lowest paid within our economy and society, and who provide a vital service in supporting the supply of food for the nation. Representations have been made to the DAERA Minister in February 2021 to which no response has yet been received.

Therefore, the Council would strongly urge the Department to reform the AWB rather than abolishing it which could have a huge detrimental impact on farm businesses, agricultural workers and the long-term sustainability of the sector.

If you have added any further comments above in relation to the proposal, what additional potential economic, equality or rural needs impacts might there be in relation to any of your comments?

Economic, equality or rural needs impacts:

[REDACTED]

Submitted to Consultation on the proposal to revoke the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 (Abolition of the Agricultural Wages Board)

[REDACTED]

Introduction

What is your name?

Name:

[REDACTED]

What is your email address?

Email:

[REDACTED]

If applicable, what is your organisation?

Organisation:

Fresh Fields

Proposal to abolish the AWB and founding legislation

Do you support the proposal to abolish the AWB and founding legislation?

Yes

Do you have any comments in support of your views (whether for or against the proposal) which you want the Department to consider?

Comments in support of your views:

Agricultural workers should be protected now by all of the employment legislation that has been put in place since 1977 - I do not see the need for separate legislation for agriculture. I employ 35-50 people, approx 50% agricultural, 50% in a food production facility and handle all payroll/HR . If all employers follow the ETI base code for worker welfare and use the NMW guidance, agricultural workers will be safeguarded against poor practices.

Regulatory Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Regulatory Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence to support your view:

Equality Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Equality Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence that supports your view:

Rural Needs Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Rural Needs Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence that supports your view:

Other Comments

If so, please provide them in the space below

Additional views or comments on the proposals:

If you have added any further comments above in relation to the proposal, what additional potential economic, equality or rural needs impacts might there be in relation to any of your comments?

Economic, equality or rural needs impacts:

[REDACTED]

Submitted to Consultation on the proposal to revoke the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 (Abolition of the Agricultural Wages Board)

[REDACTED]

Introduction

What is your name?

Name:

[REDACTED]

What is your email address?

Email:

[REDACTED]

If applicable, what is your organisation?

Organisation:

Green Party

Proposal to abolish the AWB and founding legislation

Do you support the proposal to abolish the AWB and founding legislation?

No

Do you have any comments in support of your views (whether for or against the proposal) which you want the Department to consider?

Comments in support of your views:

It is imperative that the AWB remains in place. As the last collective bargaining forum for agricultural workers in NI, its abolition will mean the end of collective bargaining in agriculture and leave agricultural workers who are already working in precarious positions and vulnerable to exploitation even more vulnerable.

The AWB is key to ensuring that agricultural workers can influence the conditions under which they work and the wages they receive.

It is not acceptable to leave the setting of wage rates to individual employers, as evidence in England and Wales has shown that, following the abolition of their AWB, wages fell, and that enhanced rates for overtime, night work and other premiums formerly provided by the AWB have simply disappeared. We know that workers in this sector are particularly vulnerable to exploitation and so we should not take it in good faith that individual employers will not breach the law in order to pay workers less, or to employ them in unfavourable conditions.

The cost of running the current AWB is not significant - averaging around £25,000 per annum over the past three years. Considering its importance in setting minimum standards for employment of agricultural workers in relation to wages, sick pay, holiday pay and piece rates, amongst others, in the context of threatened employment rights as a result of Brexit, there is more need than ever for this body.

There is a risk that the abolition of the AWB will result in a race to the bottom on workers' pay and conditions.

If the Department's assertion that the abolition of the AWB will save employers £1.2m over the next ten years, we can only assume that this will come out of the pockets of workers.

We are also concerned that by getting rid of the AWB, protections for small farmers and their family members who work on other farms due to economic necessity will be removed.

Regulatory Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Regulatory Impact Assessment?

Yes

If you have answered yes above, please provide your comments here

Evidence to support your view:

The regulatory impact assessment contained within this consultation indicates that £600,000 annually will come out of workers' pockets and into those of employers - confirming that workers will bear the brunt of this change. Green Party Northern Ireland is seriously concerned at this proposal.

Equality Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Equality Impact Assessment?

Yes

If you have answered yes above, please provide your comments here

Evidence that supports your view:

Field workers in the agricultural sector are particularly vulnerable to exploitation, trafficking and modern-day slavery, with modern-day slavery being a particularly serious problem in Northern Ireland.

The AWB plays a vital role in protecting against potential exploitation of migrant workers, who also have challenges in relation to knowing their rights due to linguistic or other barriers.

DAERA will no longer have enforcement power in this area but rather this will be passed on to HMRC, which is lacking in funding and capacity, and which puts effective enforcement at risk.

There are Section 75 impacts that have not been fully considered by DAERA in coming up with this proposal, particularly the disproportionate impact on migrant and younger workers.

Rural Needs Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Rural Needs Impact Assessment?

Yes

If you have answered yes above, please provide your comments here

Evidence that supports your view:

GPI is concerned that abolishing the AWB will impact upon the wages earned by rural farmers and farming families working on other farms out of economic necessity, by removing wage and other protections.

The AWB sets a rate of pay for apprentices that is significantly higher than the national minimum wage. Getting rid of the AWB would inevitably drive down wages amongst the youngest workers, and impact upon youth poverty rates in rural areas, as well as on skill development.

In 2007, Minister Michelle Gildernew reversed her decision to abolish the AWB on the grounds of its continued vital contribution to workers and the rural economy. GPI would like to see this current proposal reversed also.

The consultation notes that agricultural workers often worked in rural and isolated areas and were more likely to be depended on their employer for their livelihood and home, but that the sector has moved on. Rates of exploitation in this sector show that this is not the case. Rather, language barriers, the involvement of traffickers and exploitative employment conditions mean that many workers in this sector are more isolated than ever.

Other Comments

If so, please provide them in the space below

Additional views or comments on the proposals:

If you have added any further comments above in relation to the proposal, what additional potential economic, equality or rural needs impacts might there be in relation to any of your comments?

Economic, equality or rural needs impacts:



STRONGER TOGETHER

CONGRESS

Irish Congress of Trade Unions
Northern Ireland Committee

07/07/21

Department of Agriculture, Environment and Rural Affairs
Dundonald House
Upper Newtownards Road
Ballymiscaw
Belfast BT4 3SB

Dear [REDACTED]

I write to you with reference to the current consultation on the future of the Agricultural Wages Board (AWB). The Northern Ireland Committee of the Irish Congress of Trade Unions (NIC-ICTU) is the representative body of 26 trade unions across Northern Ireland representing over 200,000 workers across every part of the economy in both public and private sector.

Our leadership committee wish to fully endorse the submission of Unite the Union which they have recently submitted to you on the full retention of the AWB. We believe it is crucial that the AWB is maintained and not abolished as per the proposal of the Minister for Agriculture. We strongly believe that the NI Executive need to promote collective bargaining and sectoral bargaining in order to promote the interests of workers, improve productivity and re build our economy. We have a serious problem of low pay in Northern Ireland. 25% of all workers earn below the real living wage of £9.50 per hour. The AWB is a crucial forum that seeks to bargain and agree wages and other matters across the agricultural industry. Abolishing the AWB will do nothing to address the pandemic of low pay in Northern Ireland, indeed it will merely exacerbate the issue.

The fact that employment rights is a devolved matter in Northern Ireland gives us an opportunity to use it as a spur and a lever to boost productivity and address low pay. Indeed we need other such forums in a range of industries similar to the AWB.

Irish Congress of Trade Unions
45-47 Donegall Street
Belfast
BT1 2FG

T +44 (0)28 9024 7940

F +44 (0)28 9024 6898

info@ictuni.org

www.ictuni.org

To conclude, I reiterate that on behalf of the trade union movement in Northern Ireland we fully and wholeheartedly endorse all of the arguments and points made by our colleagues in Unite the Union in relation to the full maintenance and retention of the AWB.

Yours sincerely,



[REDACTED]

Submitted to Consultation on the proposal to revoke the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 (Abolition of the Agricultural Wages Board)

[REDACTED]

Introduction

What is your name?

Name:

R [REDACTED] McCloy

What is your email address?

Email:

If applicable, what is your organisation?

Organisation:

Proposal to abolish the AWB and founding legislation

Do you support the proposal to abolish the AWB and founding legislation?

Yes

Do you have any comments in support of your views (whether for or against the proposal) which you want the Department to consider?

Comments in support of your views:

The AWB legislation was created in 1977 and has not been altered since and can not be changed without going through the legal process so it has become outdated.

The AWB has been superseded by the National Minimum and National Living wage legislation which sets wage rates according to age and cuts through the Agricultural grading system making it confusing for workers and employers and no longer fit for purpose.

Agricultural workers are represented by the Unite union those members are either union officials or drawn from the processing industry. This is discriminatory and unfair to agricultural workers that they are being represented by people with no direct experience of agriculture. It is also unreasonable that the representatives of agricultural employers have to negotiate with Union representatives who have no direct experience of agriculture. None of the independent members is from an agricultural background either.

The main basis for negotiation is consideration of the financial state of the agricultural industry, this is through DAERA economics and statistics division's presentation of Total Income From Farming. Although some effort is made to forecast the current year, the figures inevitably lag behind but they are used by Unite as a lever to negotiate wage increases on the grounds that the TIFF is up so the industry can afford it even though it may be obvious that the increase is from a low base or the industry is in the grip of serious inflation. Surely, using that logic, in a year when TIFF falls there would be good grounds for a reduction in wages? The TIFF is very variable from year to year and does not give an accurate picture of the affordability of wage increases.

The Low Pay Commission, in giving advice to the Government on the NMW and NLW takes a much broader look at the economy and is careful to consider future trends and the ability of employers to afford wage increases. Since the Low Pay Commission already covers agriculture, there is no need for the AWB.

It appears that the Low Pay Commission itself is being overtaken by current events in the labour market as, not only are wages rising to attract scarce workers but the NI Administration are making paying the Living Wage (currently £9.50) a condition for businesses tendering for supply and construction contracts from June 2022. It is likely that this will rapidly become the benchmark wage level, leaving the NLW behind and pulling all wages higher to close the gap.

Regulatory Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Regulatory Impact Assessment?

Yes

If you have answered yes above, please provide your comments here

Evidence to support your view:

Option 1: as stated, Agricultural employers currently experience greater costs and regulatory and administrative burden. This financial, administrative and regulatory burden places agricultural employers at a disadvantage relative to other employers. Employers and employees find the manner in which the AWB determination is published confusing. An employer has to consider which grade applies to an employee using training, skill, experience and responsibility as the criteria and then make sure that they comply with the NMW and NLW.

Option 2. DAERA analysis of a possible reduction in total wages is pure speculation, a worst case scenario that is based on the current AWB. It takes no

account of the fast changing employment and wage situation that has arisen over the last two years.

Defra in England state that in reality, the factors such as competition for workers in the labour market dictates wage rates and it is highly unlikely workers would have a reduction. The need to attract workers and compete with rising wages in competing industries and now, the driving of wages to the Living Wage level by the Devolved Administration in NI, is a whole new scenario that will make the existing Agricultural Wage Legislation meaningless and there will be no regression in wage rates, quite the opposite.

Overtime: The 1977 order states only that IF there is overtime it should be at 1.5 times the normal wage rate, employers recognize that work for more than 39 hours per week is overtime.

Accommodation costs: The deduction of £45 per week is the current rate under the 2021 order not under the terms of the AWO 1977. The employers chose to make a concession to employees by not negotiating the full accommodation offset this year and, in another year could negotiate the full rate under AWB, so it is not correct to say that workers would have a higher accommodation charge under NMW, it would depend what was agreed under the existing arrangement

Holiday Entitlement is likely to continue as it is, employers will not discriminate between workers doing the same work.

Sick Leave: Again employers need workers so will maintain the present arrangements even though it is an extra cost relative to all other industries. It should be noted that most farms employ a small number of workers and the employer works with them. There is a degree of flexibility in allowing time off for medical and family matters which is not counted, it is goodwill between the employer and employee.

Equality Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Equality Impact Assessment?

Yes

If you have answered yes above, please provide your comments here

Evidence that supports your view:

The suggestion of possible racial and age discrimination is based on the assumption that young migrant workers could be paid less than others already doing the same work, there is no evidence to support this. Workers in general and migrant workers in particular are in very short supply. Due to the pandemic many seasonal workers returned home and the new immigration requirements are concentrating on immigrants with qualifications and skills rather than on general workers. There is a general shortage of agricultural workers which is likely to continue, the wage rate for migrant workers is estimated to have risen by 10% in England over the past year as employers try to attract and retain workers, a similar situation is developing in NI. Agricultural employers say that they can not discriminate against workers doing the same work.

Rural Needs Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Rural Needs Impact Assessment?

Yes

If you have answered yes above, please provide your comments here

Evidence that supports your view:

It is unreasonable that agricultural workers have separate employment legislation from all other sectors of the labour force. There is adequate protection under general employment law and being in a special category may in some measure work against their employment.

Demographics show the high average age of workers so there will be a rapid increase in opportunity as a younger age group with much more formal training take the place of the older workers and are able to command higher wages.

Other Comments

If so, please provide them in the space below

Additional views or comments on the proposals:

As I have stated earlier, I believe that the Agricultural Wages Board is no longer needed because: the National Minimum Wage and National Living Wage legislation has superseded it, leading to complication and duplication.

There has been a move by employers in other sectors to pay the Living Wage and this is now being made permanent by the actions of the Northern Ireland Executive in requiring public service contractors what is currently £9.50 from June 2022.

From an administrative point of view, there would be a small financial benefit for employers but the system would be much simpler, easier to understand and there would be less chance of making mistakes.

It is unlikely that employers would gain financially because they will maintain the present wages and benefits and, as I have emphasized, competition for workers and rapidly rising benchmark wages have changed the whole labour market, but at least they would be competing on a level playing field.

If you have added any further comments above in relation to the proposal, what additional potential economic, equality or rural needs impacts might there be in relation to any of your comments?

Economic, equality or rural needs impacts:

The agricultural workforce has become much more mobile, most live in villages or towns and some work for several farmers or contractors where they are active over quite large areas. As a consequence, agricultural workers are very much aware of what is available in other work and are no longer tied to agriculture. They can also take into account other matters such as holidays and sick pay when considering their best options.

[REDACTED]

Submitted to Consultation on the proposal to revoke the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 (Abolition of the Agricultural Wages Board)

[REDACTED]

Introduction

What is your name?

Name:

[REDACTED]

What is your email address?

Email:

[REDACTED]

If applicable, what is your organisation?

Organisation:

Molenan Estate

Proposal to abolish the AWB and founding legislation

Do you support the proposal to abolish the AWB and founding legislation?

Yes

Do you have any comments in support of your views (whether for or against the proposal) which you want the Department to consider?

Comments in support of your views:

No longer required. I pay employees above the minimum wage to a level that is equal to their qualifications and competency.

Regulatory Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Regulatory Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence to support your view:

Equality Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Equality Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence that supports your view:

Rural Needs Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Rural Needs Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence that supports your view:

Other Comments

If so, please provide them in the space below

Additional views or comments on the proposals:

If you have added any further comments above in relation to the proposal, what additional potential economic, equality or rural needs impacts might there be in relation to any of your comments?

Economic, equality or rural needs impacts:

[REDACTED]

Submitted to Consultation on the proposal to revoke the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 (Abolition of the Agricultural Wages Board)

[REDACTED]

Introduction

What is your name?

Name:

[REDACTED]

What is your email address?

Email:

[REDACTED]

If applicable, what is your organisation?

Organisation:

Northern Ireland Council for Racial Equality

Proposal to abolish the AWB and founding legislation

Do you support the proposal to abolish the AWB and founding legislation?

Yes

Do you have any comments in support of your views (whether for or against the proposal) which you want the Department to consider?

Comments in support of your views:

Although the current employment law and fair employment law make the current law to regulate agricultural workers/employers sector redundancy. The outdated law also put the agricultural seasonal workers almost unregulated as the gangmasters step-in, in particular those Roma community in NI which is exploited by their Roma gangmaster. In all cases, the gangmasters applied for child benefits under the EU rights. Although the cases show is from Belfast, it is more difficult to gain their trusts. In most cases, if the fraud exposed, the gangmasters will send them home and the case collapse.

Prior to the former A8 and A2 accession, we had mushroom pickers in NI abused by its employer who is a veteran Labour Party member. Moreover, the current law of Gangmasters and Labour Abuse Authority has replaced completely on agricultural, horticulture, processing and packaging of all fresh food, drink and other produce, etc. The last but not the least, NI will be part of the Custom Union of the EU law, policy and practice within the NI Protocol as result of Brexit. The EU law such as non-discrimination, sick pay, health and safety, etc. will continue.

Moreover, whether it is seasonal work forces or not, black African/black Caribbean can be exploited with lower lower than the national minimum wages. There is also possibility that they have both experiences and qualification but have lower pay in corresponding to the white counterpart in the same experiences and qualification.

Regulatory Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Regulatory Impact Assessment?

Yes

If you have answered yes above, please provide your comments here

Evidence to support your view:

We agreed on the analysis of the Regulatory Impact Assessment. We would like also to reiterate that NI will be part of the Custom Union of the EU law, policy and practice within the NI Protocol as result of Brexit. The EU law such as non-discrimination, sick pay, health and safety, etc. will continue. The recent judgement on NI Protocol which is lawful in the aftermath of Brexit confirm the rights of current EU citizens living in NI.

Moreover, whether it is seasonal work forces or not, black African/black Caribbean can be exploited with lower lower than the national minimum wages. There is also possibility that they have both experiences and qualification but have lower pay in corresponding to the white counterpart in the same experiences and qualification.

Equality Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Equality Impact Assessment?

Yes

If you have answered yes above, please provide your comments here

Evidence that supports your view:

We agreed on the analysis of the Equality Impact Assessment and agricultural seasonal worker who are coming from EU. We would like also to reiterate that NI will be part of the Custom Union of the EU law, policy and practice within the NI Protocol as result of Brexit. The EU law such as non-discrimination, sick pay, health and safety, etc. will continue. The recent judgement on NI Protocol which is lawful in the aftermath of Brexit confirm the rights of current EU citizens living in NI.

For those seasonal workers from Romania and Bulgaria, there is possibility of Roma/Gypsy working there with their vulnerability of exploitation.

Moreover, whether it is seasonal work forces or not, black African/black Caribbean can be exploited with lower lower than the national minimum wages. There is also possibility that they have both experiences and qualification but have lower pay in corresponding to the white counterpart in the same experiences and qualification.

Rural Needs Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Rural Needs Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence that supports your view:

Other Comments

If so, please provide them in the space below

Additional views or comments on the proposals:

No additional views.

If you have added any further comments above in relation to the proposal, what additional potential economic, equality or rural needs impacts might there be in relation to any of your comments?

Economic, equality or rural needs impacts:

Although the current employment law and fair employment law make the current law to regulate agricultural workers/employers sector redundancy. The outdated law also put the agricultural seasonal workers almost unregulated as the gangmasters step-in, in particular those Roma community in NI which is exploited by their Roma gangmaster. In all cases, the gangmasters applied for child benefits under the EU rights. Although the cases show is from Belfast, it is more difficult to gain their trusts. In most cases, if the fraud exposed, the gangmasters will send them home and the case collapse.

Prior to the former A8 and A2 accession, we had mushroom pickers in NI abused by its employer who is a veteran Labour Party member. Moreover, the current law of Gangmasters and Labour Abuse Authority has replaced completely on agricultural. horticulture, processing and packaging of all fresh food, drink and other produce, etc. The last but not the least, NI will be part of the Custom Union of the EU law, policy and practice within the NI Protocol as result of Brexit. The EU law such as non-discrimination, sick pay, health and safety, etc. will continue.

Moreover, whether it is seasonal work forces or not, black African/black Caribbean can be exploited with lower lower than the national minimum wages. There is also possibility that they have both experiences and qualification but have lower pay in corresponding to the white counterpart in the same experiences and qualification.

[REDACTED]

Submitted to Consultation on the proposal to revoke the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 (Abolition of the Agricultural Wages Board)

[REDACTED]

Introduction

What is your name?

Name:

[REDACTED] o Neill

What is your email address?

Email:

[REDACTED]

If applicable, what is your organisation?

Organisation:

[REDACTED]

Proposal to abolish the AWB and founding legislation

Do you support the proposal to abolish the AWB and founding legislation?

No

Do you have any comments in support of your views (whether for or against the proposal) which you want the Department to consider?

Comments in support of your views:

Regulatory Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Regulatory Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence to support your view:

Equality Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Equality Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence that supports your view:

Rural Needs Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Rural Needs Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence that supports your view:

Other Comments

If so, please provide them in the space below

Additional views or comments on the proposals:

If you have added any further comments above in relation to the proposal, what additional potential economic, equality or rural needs impacts might there be in relation to any of your comments?

Economic, equality or rural needs impacts:

[REDACTED]

Submitted to Consultation on the proposal to revoke the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 (Abolition of the Agricultural Wages Board)

[REDACTED]

Introduction

What is your name?

Name:

[REDACTED]

What is your email address?

Email:

[REDACTED]

If applicable, what is your organisation?

Organisation:

Roy Lyttle Limited

Proposal to abolish the AWB and founding legislation

Do you support the proposal to abolish the AWB and founding legislation?

Yes

Do you have any comments in support of your views (whether for or against the proposal) which you want the Department to consider?

Comments in support of your views:

Other Government Legislation regarding wage rates and holiday pay introduced in the past few years has meant the AWB is not relevant

Regulatory Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Regulatory Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence to support your view:

Equality Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Equality Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence that supports your view:

Rural Needs Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Rural Needs Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence that supports your view:

Other Comments

If so, please provide them in the space below

Additional views or comments on the proposals:

If you have added any further comments above in relation to the proposal, what additional potential economic, equality or rural needs impacts might there be in relation to any of your comments?

Economic, equality or rural needs impacts:

[REDACTED]

Submitted to Consultation on the proposal to revoke the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 (Abolition of the Agricultural Wages Board)

[REDACTED]

Introduction

What is your name?

Name:

[REDACTED]

What is your email address?

Email:

[REDACTED]

If applicable, what is your organisation?

Organisation:

Rural Community Network

Proposal to abolish the AWB and founding legislation

Do you support the proposal to abolish the AWB and founding legislation?

No

Do you have any comments in support of your views (whether for or against the proposal) which you want the Department to consider?

Comments in support of your views:

RCN supports the retention of the Agricultural Wages (AWB) structure, including its current functions, the current pay grades and rates and conditions of service for the following reasons:

We believe that the AWB rate is an important incentive for young people who are under 21 to enter the industry. The fact that the AWB rate is currently higher than the National Minimum Wage provides a boost to the income of young people employed in the industry aged 16-21 many of whom may only be employed on a seasonal or casual basis. We believe that the higher AWB rates may also encourage young people to enter/remain within agriculture and seek formal qualifications and skills in order to progress up the AWB scales. This is particularly important in providing progression opportunities for young people in rural communities and can contribute to the sustainability of rural areas. It is also important in retaining a skilled workforce in agriculture. The current rate set by the AWB offers significant benefits to workers in the agricultural sector in skilled and managerial grades. The abolition of the AWB could reduce the salary/administrative burden on employers but would disadvantage low paid rural workers. We agree that the social and economic impact of the loss of revenue would be significant for people in these low income brackets.

The AWB also performs an important function in ensuring agricultural workers have reasonable minimum terms and conditions of employment including holiday entitlement, holiday pay and a level of sick pay which is additional to Statutory Sick Pay. This is an important benefit to Agricultural Workers who work outdoors and are exposed to animal diseases as well as the additional health and safety risks from working with livestock.

We would be concerned that the abolition of the AWB removes the protection of the overtime rate for hours worked over 39 hours per week. At certain times of the year significant levels of overtime can be worked in agriculture particularly when silage or other crops need harvested. The overtime rate offers agricultural workers recognition for these additional long hours and enables them to earn enough income to supplement their relatively low wage. If AWB is abolished the likelihood is that many agricultural workers will lose this important additional income. Survey work undertaken by the UNITE trade union in England after the AWB was abolished there showed that overtime and other protections afforded to workers in agriculture largely disappeared following abolition.

We disagree with the assertion that due to mobile phones workers are likely to be better connected and more aware of their rights. This fails to take into account the needs of migrant workers who may have difficulty understanding English. It also ignores the fact that an employee knowing their employment rights is one thing but having the confidence to assert those rights against their employer is another.

We do not consider the cost of supporting the AWB to be excessive in return for the benefits it provides for agricultural workers and the contribution it makes to the long term sustainability of the wider sector.

Regulatory Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Regulatory Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence to support your view:

Equality Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Equality Impact Assessment?

Yes

If you have answered yes above, please provide your comments here

Evidence that supports your view:

We agree with the EQIA assessment that the proposal will have adverse effects particularly on age due to the reduction in pay rates abolition will mean for younger workers. Young workers in the 16-18 age group would face a cut in wages of 50% if the AWB rate of £6.95 in the 16-20 age group is replaced by employers with the NMW wage rate of £4.62 for under 18s.

We also agree with the EQIA assessment that the proposal will have adverse effects on racial group due to the high number of migrant workers who are more likely to be temporary or new entrants and will likely only be paid the NMW if the AWB is abolished.

Rural Needs Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Rural Needs Impact Assessment?

Yes

If you have answered yes above, please provide your comments here

Evidence that supports your view:

At section 3B the RNIA indicates that consultation on the rural needs impacts was undertaken with Rural Stakeholders. At Section 3C it appears as if DAERA did not engage in advance with stakeholder organisations and merely reviewed stakeholder responses to the previous consultation on Abolition of the AWB in 2011.

DAERA's guide to the Rural Needs Act states:

5.25 This guidance recommends that, where appropriate, public authorities should seek to engage with rural stakeholders early in, and during, the process of developing, adopting, implementing or revising policies, strategies and plans and designing and delivering public services.

<https://www.daera-ni.gov.uk/sites/default/files/publications/daera/17.18.249%20Guide%20to%20Rural%20Needs%20Act%20NI%20final%20v2.PDF>

It also appears as if no attempt was made by DAERA to engage with agricultural workers who will be directly affected by the abolition of AWB to gather their views on the proposal to abolish the AWB..

At section 4A no assessment is given of the potential impact on agricultural workers of the changes in terms and conditions such as overtime, accommodation costs, paid holiday entitlement, sick leave and pay. The RNIA merely identifies these as "key issues".

We disagree with the assertion that existing contracts are expected to continue to apply and it is unlikely that "the minimum will be the default level of pay for all agricultural workers."

Other Comments

If so, please provide them in the space below

Additional views or comments on the proposals:

In our view the proposal to abolish the AWB is a retrograde step.

The AWB provides significant protection to some of the most vulnerable workers in Northern Ireland, many of whom are migrant workers with part-time contracts or conducting seasonal work.

These are workers who, because of their status, often suffer exploitation and whose households have a high risk of falling into poverty.

If you have added any further comments above in relation to the proposal, what additional potential economic, equality or rural needs impacts might there be in relation to any of your comments?

Economic, equality or rural needs impacts:



Sinn Féin Response to the Consultation on the Proposal to Revoke the Agricultural Wages (Regulation) (NI) Order 1977 (Abolition of the Agricultural Wages Board) – July 2021

Introduction

Sinn Féin believes that the Agriculture Wages Board (AWB) plays a role in protecting vulnerable people in our society, in this case the income of agriculture workers. We have significant concerns regarding the department's proposal to revoke the Agriculture Wages Order (1977) which would abolish the AWB. This would end the setting of specific wages rates and terms and conditions for the agriculture sector.

According to the Department of Agriculture Environment and Rural Affairs (DAERA), the main aim of this policy is to align the agriculture sector with other sectors of the economy and simplify regulatory and administrative burdens on the agriculture businesses concerning employment law. If this proposal is implemented the main impact will be the ending of the agriculture minimum wage, disproportionately affecting rural areas.

Sinn Féin do not support the DAERA's justification for the abolition of the board. Reducing red tape is not a sound rationale for removing the AWB concerned with the pay and conditions of those who live and work in rural areas. DAERA looks to be adopting a 'one size fits all' approach ignoring the important workers protections that exist under the AWB.

Opposition to abolition of the AWB

Sinn Féin opposes the removal of the AWB which is an important mechanism to address the social and economic needs of people who live and work in rural areas. The impact of the

proposed policy will be significant for agriculture workers according to DAERA's own impact assessments. DAERA argues that equivalent powers and protections will be afforded to the agriculture sector via existing employment legislation that covers other sectors of economy. However, DAERA also confirms there will be a differential impact in terms of pay, terms and conditions compared to the existing AWB affecting age and ethnicity. We also note there is no mention of agriculture workers who may be on zero contact hours, which is particularly common amongst seasonal workers.

The 1977 Order definition of agriculture includes:

'horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, market gardens and nursery grounds, the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, the scutching [a separation process] of flax and tow and any process preparatory to or connected with the scutching of flax or tow'.

Employees whose work is included in the above definition will be negatively impacted by DAERA's proposal. Statistics provided by DAERA in the consultation document highlight that the 1977 Order relates to approximately 6,700 paid employees and 3,300 farms who employ one person.

We express concerns with DAERA's claim that due to the 'significant' level of uncertainty regarding the available data on economic and regulatory impacts DAERA can only use 'average' figures.

It is Sinn Féin's view that those responsible for providing information for decision-making on a function or policy should ensure they provide sufficient information, from their equality and rural assessments, for the appropriate consideration to be given in particular decisions. This is in line with ensuring due regard to the need to promote equality of opportunity and promoting social and economic needs of rural people. The statutory equality and rural duties are all the more important given the current impact of the global COVID-19 pandemic and Brexit and DAERA's responsibility to fulfilling these duties are a statutory requirement.

It is important to recognise that the AWB sets the floor for minimum standards in regards to pay, sick pay and holiday pay. The presence of the AWB has meant that workers starting out in this sector can be paid a wage above the minimum wage, meaning that minimum standards in agriculture are higher than in other sectors. This is important not just for improving working rights but also for the sustainability of the sector as the offer of higher starting pay helps to entice younger workers into a career in agriculture.

It is widely known that average wages in the north are amongst the lowest across these islands with around 25% of workers paid below the Real Living Wage. Low pay across our economy is commonplace and bodies such as the AWB are important in representing workers through sectoral bargaining and ensuring that workers are paid and treated fairly.

Sinn Féin rejects the proposal by the Minister for Agriculture to abolish the AWB as such a decision will be damaging to workers and will undermine the rights and entitlements that have been secured by the AWB. Any attempt to abolish the AWB also goes against the

commitments made in New Decade New Approach which referred to creating good jobs and protecting workers rights.

Equality Impact Assessment

DAERA's assessment of equality impacts indicates the proposed policy may have a potential adverse impact on seasonal migrant workers; who may be subject to a lower rate of pay under the "National Minimum Wage" vis-a-vis the AWB grade-based pay regime.

DAERA's own survey, the Migrant Labour in NI reveals that there are approximately 1,404 seasonal and non-seasonal workers employed in agriculture sector in the north.

DAERA suggest that only 'new' workers under the age of 20 who will be subject to the low rate of pay under existing employment law. DAERA also highlight the vulnerability of seasonal migrant workers stating that they carry out low skilled work and face language barriers as well as a lack of contacts and networks in the community.

DAERA estimates that 337 agriculture workers aged 16 and 17; and 875 agriculture workers aged 18-20 will face a lower rate of pay. Again, DAERA emphasises that this will only apply to 'new' workers.

It is important that the pay and conditions of new agriculture workers is protected and they should not be disadvantaged as a result of their age. Furthermore we are not assured by DAERA's that current agriculture workers will continue under the existing AWB structure where they will continue to receive the agriculture minimum wage, and that they will be unaffected. The pressures facing the sector currently emphasises the need for retaining the AWB to ensure agricultural workers are protected.

Rural Needs Act

The Rural Needs Act¹ defines 'rural needs' as "the social and economic needs of rural areas". It is important to be clear what this means and to be able to distinguish between a need and something that is desirable. In general, terms, a need can be considered something that is essential to achieve a standard of living comparable with that of the population in general. For example, it can relate to the ability to access key public services such as health and education, the ability to access suitable employment opportunities, and the ability to enjoy a healthy and active lifestyle.

The Rural impact assessment on AWB identifies 'structural' differences in rural and urban areas on the subject of employment and economic opportunities. DAERA should set out clearly what are those structural differences: and the impact of structural differences on seasonal migrant workers and young people particularly under the proposed policy.

¹ [17.18.249 Guide to Rural Needs Act NI final v2_0.pdf](#)

It is unclear how the proposed policy to remove the AWB will meet the social and economic needs of people in rural areas and whether the outcomes delivered for people in rural areas will be similar to the outcomes delivered for people in urban areas. There is no urban equivalent in this case as there is likely little or no agriculture employment urban areas.

Sinn Féin believe that abolishing the AWB could result in vulnerable low paid workers struggling to achieve an adequate standard of living. We believe the function of AWB is a 'need' in line with DAERA's own guidance on rural needs Act 2016 of enabling low paid workers to have a minimum standard of living; to participate more fully in society; and ensuring access to services.

Conclusion

In conclusion, protecting our most vulnerable and lowest paid workers is a key Sinn Féin objective. The impact assessments have identified the proposed policy of abolishing the AWB will disproportionately affect seasonal migrant workers and young people who live and or work in rural areas.

Sinn Féin oppose the abolition of the AWB which has protected the pay and conditions of agriculture workers and we believe the ending of the AWB would undermine workers' rights and entitlements.

[REDACTED]

Submitted to Consultation on the proposal to revoke the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 (Abolition of the Agricultural Wages Board)

[REDACTED]

Introduction

What is your name?

Name:

[REDACTED]

What is your email address?

Email:

[REDACTED]

If applicable, what is your organisation?

Organisation:

Ulster Farmers Union

Proposal to abolish the AWB and founding legislation

Do you support the proposal to abolish the AWB and founding legislation?

Yes

Do you have any comments in support of your views (whether for or against the proposal) which you want the Department to consider?

Comments in support of your views:

The Ulster Farmers Union represents over 12,000 farmers and landowners.

Northern Ireland farmers rely upon labour to operate and maintain their farming enterprises. Unlike our counterparts in GB, it is more often than not it is the individual farmer themselves with assistance from family members. Those who did employ external labour do so in small numbers and often on a short-term/casual basis. But this does extend to greater numbers of staff for larger more labour-intensive farms.

The common denominator is that farming is a unique industry compared to other sectors in the Northern Ireland economy.

We would like DAERA to consider the following points and facts which support our position that the AWB and its founding legislation needs to be abolished.

Background

Government intervention in the agricultural labour market, by way of the Agricultural Wages Board (AWB) and the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 is no longer necessary and is outdated. Consequently, the UFU support legislation which will revoke the agricultural wages framework.

The Order applies to 3,333 employers and 6,738 paid employees in the Northern Ireland agriculture sector. Under the current Order the Board, in respect of agricultural workers in Northern Ireland, has the power to:

- set the minimum rate of pay;
- determine the type and value of deductions that an employer may make from a worker's gross pay;
- set the amount of holiday entitlement and holiday pay; and
- set the level of sick pay.

The Ulster Farmers Union believe that the Agriculture Wages Board should be revoked for the following reasons.

1. Changes in Employment Law

Since 1998, employment legislation has changed and improved the welfare and position of low paid workers significantly across the United Kingdom.

a) National Minimum Wage – National Minimum Wage Act 1998 introduced minimum wage rates for all employees in the United Kingdom. Currently, AWB employment rights and conditions must also comply with this legislation and a rate lower than the NMW may not be set.

b) National Living Wage - The National Living Wage was introduced to the UK in April 2016 and made provision for a higher hourly rate for workers aged 25 and over. From April 2021 the applicable age was lower to 23 and over. Government is planning a further target of reducing this threshold to 21 and

over from 2024.

Similar protections and provisions to those contained in the AWB legislation have been introduced for all industry sectors, with some minor differences in pay thresholds and level of entitlements. This includes legislation covering minimum wage, holiday entitlement and sick pay.

Current NMW and NLW rates for 2021 are outlined below. Yet, where NMW or NLW rates are higher than AWB rates, an agricultural worker in Northern Ireland must be paid the NMW or NLW rate.

23 and over 21 to 22 18 to 20 Under 18 Apprentice
£8.91 £8.36 £6.56 £4.62 £4.30

It should be noted that there are no apprenticeship schemes for NI agriculture employees and this rate does not apply.

Impact of National Minimum Wage Legislation – The introduction of the National Living Wage in 2016 and subsequent rises have substantially boosted low wages and earnings further. Between 2015 and 2018, real average weekly earnings among employees in the bottom tenth of hourly wages grew by 11%, compared with 3% across all employees.

Overall, the impact of the introduction of the National Minimum Wage and National Living Wage has been to raise wages by 30% (20% in real terms), over the last 10 years. This is backed by the Government policy goal to make the minimum wage 66.66% of the median hourly wage by 2024 and this will raise wages by 15%.

No other developed country has attempted such a large rise from such a high base.

What this Government wage policy means is that Government would effectively set the pay of the majority of employees in the hotel/restaurant sector, in wholesale and retail, in administrative and support services, and of specific relevance to the AWB, in the agricultural sector. Hence, this brings into question the continued role and relevance of the AWB in Northern Ireland, it is essentially duplicating the underlying employment legislation which applies to all other sectors.

Real Living Wage - The Real Living Wage is different to the National Living Wage.

It is currently voluntary and for 2021 it is set at £9.50/hour. It is higher than the National Living Wage which is £8.91/hour. It has been adopted by companies in Northern Ireland including ABCO engineers, Geda Construction and Flow Technology Services.

3 days prior to submitting our response to this consultation, it was confirmed by Conor Murphy, Northern Ireland Finance Minister, that a new policy for public procurement contracts will put emphasis on social value. Every year the NI Executive spends £3bn buying goods, services and construction from the private and third sectors. Tenders are scored on the basis of cost and quality, but from June 2022, they must include a minimum of 10% of total award criteria to social value and crucially, the living wage will also be included as a condition of contract for tenders. It will apply to service contracts above £123,000 and construction contracts above £4.7m. These account for approximately 97% of total government procurement expenditure.

This move will cause further wages pressure across the economy.

UFU POSITION - National employment legislation has now superseded the AWB, with further Government-led increases likely to the national minimum wage levels. Consequently, the application of this employment legislation and revoking the duplicitous AWB would create a simpler and clearer process for employers and employees alike. The existence of agricultural wages legislation in addition to minimum wage legislation creates confusion regarding the appropriate rate of pay.

2. AWB Structure/Annual Wage Negotiation

AWB Representative Structure - In its current format, the AWB consists of 2 Independent members (it is meant to be 3, but this position has not been filled for 2 years), none of whom have, by their own admission have any link or experience to Agriculture, the Ulster Farmers Union (employers representatives) and Unite Trade Union (representing employees), with 6 people on each side.

The make-up of the Unite delegation causes concern for the Ulster Farmers Union.

None of the Unite team represent actual farm workers. Rather, the representatives hail from non-farming food processing backgrounds, i.e. Moy Park, with none representing those actually employed in farming as set out in the definition underpinning the AWB.

What this means is that in 2021, the UFU are effectively negotiating with the union representatives of the workers employed by large processing companies, when in fact we are remitted to be representing the interests of our farmer land-based members who are employing workers.

The AWB involves 3 meetings a year. With the accumulation of negotiations being a round table meeting involving ourselves and Unite, to negotiate annual pay rates. This follows a report being submitted to the Board, setting out the justification behind the wage submission by each party. Consequently, in light of the cloudiness over who is representing who, this can often be at cross purposes. The UFU would, in their annual report justify a wage increases on the back of how well farming has fared in the previous 12 months, the Total Income from Farming (TIFF) figures for example, published by DAERA, being a common barometer.

Yet TIFF has no bearing or relevance to how well a food processor will have performed and nor their ability to pay their staff.

This is backed up by the data provided in the Consultation. It makes clear that the AWB order applies to 6,738 people. Yet if you cross reference the data

provided by NISRA, it states that agriculture (included forestry and fishing) employs 13,320 people.

Annual Wage Negotiation - Up until 2016, an annual percentage increase was agreed and applied during the annual wage negotiations. This maintained a graded pay structure which reflected the pay scale on a farm. However, the introduction of the National Living Wage has eroded the age differentials which were necessary to ensure a rational annual pay increase. This is clearly illustrated in the Graph illustrated in the DAERA consultation document on page 17.

Close observation of the graph from 2016 onwards illustrates that the National Minimum Wage and National Living Wage increased disproportionately. What this meant was that during wage negotiations, this created an artificial benchmark when it came to wage setting.

The UFU would challenge the inclusion of the light blue at the bottom of this graph since it refers to the Apprenticeship grade and this is not applicable to Agricultural workers.

In relation to the Apprenticeship grade, those who are opposed to revoking the AWB have pointed out that it could mean a pay cut for workers aged 16-21. Should the apprenticeship grade be adopted, it could offer younger employees more protection than what is currently applicable under the Agricultural Wages Order, namely time for training or study as part of your apprenticeship. This could be evolved in conjunction with CAFRE for example.

3. Agricultural Employment in Northern Ireland

According to the Ulster University Economic Policy Centre, agriculture is only one of two sectors in Northern Ireland where they expect to see a decline in number employed in the next decade. This is a significant observation considering what we discuss later regarding the scarcity of available labour which is developing in the workplace and is covered under point 9 of our response.

4. AWB Outdated

i. Changing Farming Landscape

The number of paid agricultural workers has fallen significantly. In 1912 it stood at 61,000 and in 2019 it was 6,738. Farming has changed immeasurably since the AWB was first conceived, even in the last decade with the onset of precision farming via GPS technology as an example. This has led to greater production efficiency with the widespread adoption of modern farm practices, technology and mechanisation.

When the AWB was in formed, employees lacked information as to what they were entitled to in terms of their rights, but this has changed to their advantage in the last decade. Consider;

- Access to Internet – workers know their rights now more than at any time previously having access to the Internet, thanks to the availability of mobile phone technology.
- Social Media – Facebook/Twitter etc means that it is easier for employees to 'blow the whistle' on employers who are paying the minimum wage.

ii. Trade Boards Act/Wage Boards

The Trade Boards Act was a piece of social legislation passed in the United Kingdom, creating boards to set legally enforceable minimum wage criteria. In 1918 it was expanded to set minimum wages in certain trades with historically low wages, i.e agriculture at the time, with a focus on unskilled manual labour.

UFU wish to acknowledge that the existence of the Board during the 20th Century helped to ensure a stable labour market for farmers and farm workers, especially in the years following the Second World War.

iii. Definition of agriculture

Consider the Agricultural Wages (Regulation) (NI) Order 1977 which defines "agriculture" as:

"Horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, market gardens and nursery grounds, the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, the scutching [a separation process] of flax and tow and any process preparatory to or connected with the scutching of flax or tow".

The outdated nature of the AWB is exemplified by the reference to flax. Flax crops have not formed part of the Northern Ireland agri-economy for decades.

UFU POSITION – The definition of an agricultural worker needs to be refined in line with the abolition of the AWB. It needs to reflect farming in the 21st Century and the various practices associated with it.

5. Confusion

Many agricultural employers are confused as to who is covered by AWB and who is covered by National Minimum Wage. For example, DAERA have set out in this consultation that packing and processing are outside of the above definition. Yet, for horticulture for example, it can be unclear and there can be uncertainty around the appropriate rate of pay for workers carrying out different roles or activities, including work carried out by the same worker.

The confusion extends beyond horticulture, with 11% of Northern Ireland farms involved in diversified projects, i.e tourism, on-farm food processing and

increasingly renewable energy generation. These activities would not fall under the AWB orders and instead the National Minimum Wage would apply.

Confusion is inevitable when agricultural and horticultural businesses have to operate both the agricultural minimum wage and the national minimum wage regimes.

Confusion is likely to be heightened with a recent ruling by the Court of Justice for the European Union (CJEU) that Tesco employees (ASDA are challenging a similar ruling by the CJEU made in March 2021) can compare themselves with employees working in their own distribution centres where a single source (same employer) has the power to correct the difference in pay. There is a likelihood that this will apply to all workers including agricultural workers who are also doing processing and packing or working with similar workers in agricultural and horticultural businesses.

UFU POSITION – Revoking the AWB would lead to clarity on what is legally required and mean a much needed reduction in administrative and regulatory burdens for agricultural businesses. Agricultural businesses already face a greater administrative and regulatory burden compared to other sectors of the NI economy.

6. True Cost of the AWB

The consultation states that cost of operating the Board is £23,000 per annum, but this is assuming no complaints are received. This figure is not reflective and could potentially be a lot of higher should enforcement powers be enforced; powers to request wage records; issue enforcement notices; order payment of any underpayment of wages; undertake civil proceedings to recover such sums.

UFU POSITION – The existence of the AWB represents a costly duplication of government and the Consultation does not reflect the true cost of its very existence.

7. Worker Protection post-AWB

What would worker protection look like for Northern Ireland agricultural workers once the AWB is abolished?

The Department for Business, Energy and Industrial Strategy (BEIS) is responsible for minimum wage compliance and enforcement policy and HM Revenue and Customs (HMRC) enforces the National Minimum Wage Act on behalf of BEIS. This could be easily adapted to cover agricultural workers

Access to a Tribunal - Under the National Minimum Wage workers are also entitled to request access to an Employment Tribunal.

Penalties - The government can impose penalties on employers who underpay employees in breach of the National Minimum Wage legislation. The penalty can be as much as 200% of arrears owed to workers. The maximum penalty is £20,000 per worker.

Record Keeping - Records must be able to show that the rules have been complied with should either the HMRC or an Employment Tribunal requests this to be demonstrated. It is recommended that the relevant records are kept for at least six years.

UFU POSITION – Once the AWB is abolished agricultural workers protection will need to be legislated for in line with the overarching consideration in line with how BEIS will apply to Northern Ireland (BEIS being a GB entity) and HMRC.

8. Position in Republic of Ireland/England

Republic of Ireland - In terms of comparisons, the one between Northern Ireland and how agricultural workers are paid in the Republic of Ireland is relevant. A more favourable rate of pay in the Republic of Ireland could lead to workers in border areas of Northern Ireland for example seeking employment across the border so to speak and exacerbating the growing shortage of available labour.

In 2019, agriculture contributed around 1.2% to the GDP of the Republic of Ireland, whereas in Northern Ireland, agriculture contribute 2.4% to economic output.

In the Republic of Ireland, the provision for agricultural wages has been removed, with workers covered by their National Minimum Wage.

Republic of Ireland Minimum Wage Rates on or after January 2021

Minimum hourly rate of pay, € % of minimum wage

National minimum wage (Aged 20 and over) €10.20

Aged under 18 €7.14

Aged 18 €8.16

Aged 19 €9.18

England - The Agricultural Wages Board (AWB) in England was abolished on 25 June 2013 resulting in the Agricultural Wages Orders (AWO) ceasing at midnight on 30 September 2013. Farm workers employed after this date must always be paid at least the appropriate National Minimum Wage.

UFU POSITION – By abolishing the AWB, it will bring into line with the Republic of Ireland and England and will improve sectoral fairness and competitiveness.

9. UK Labour Shortage

Shortage of Available Labour - A combination of the impact of the Covid-19 pandemic and Brexit red tape has seen a shortage of available labour in the

UK.

The dynamics of the UK Labour market have changed with the fall out being felt as Covid-19 lockdowns are being eased. Employers are scrambling to find hundreds of thousands of workers as staff shortages threaten to hold back the reopening of the economy.

Vacancies advertised across Britain jumped by 88,000 last month to hit a post-pandemic high of 747,000 ahead of the return of shops and outdoor hospitality in April 2021 official figures show. Now, labour shortages are extending to the retail sector.

- Shortage of HGV drivers - There is estimated to be a 70,000 shortfall of lorry drivers, principally fuelled by EU workers leaving the UK, which has seen wages increase by 20%. This is now impacting upon our dairy farms where milk collections are being impacted upon and we have actually seen milk being left on farms.
- Distribution workers in warehouses – major retailers are reporting that they are experiencing a shortage of staff to work in their distribution hubs.
- Scarcity of taxi drivers – Northern Ireland taxi firms have said a shortage of new drivers, combined with people leaving the industry, has left them unable to meet demand. Official figures show the number of registered taxi drivers in Northern Ireland has fallen by a third in the last five years. With the pandemic exacerbating the issue. For example, Fonacab have said that it has 400 fewer drivers compared to before the pandemic. As lockdown eases, the amount of bookings has grown more rapidly than the amount of drivers returning.
- Shortage of Migrant Workers – The Government have placed limits on immigration placing the emphases on higher skilled workers and creating a shortage of workers for the agricultural and horticultural industries. Employers are clearly concerned about not being able to get access to essential migrant labour, but there is also concern at the rapid rise in wages that this lack of supply is creating. It has been estimated that in general this has led to a 4% increase in wage rates for migrant workers in the past year. This has now factored down to a lack of relief milkers in Northern Ireland.

Earlier this year, UK Farming unions including the UFU welcomed the UK government's decision earlier this year to extend its Seasonal Workers Pilot (SWP) scheme to allow 30,000 visas for temporary farmworkers to enter the UK for a maximum of six months. Although the pilot numbers are increasing, it will still not be enough to meet the estimated.

Dairying is being used as an illustrative example but this is being throughout the entire agri-supply chain. At the time of writing this article we are in peak vegetable/fruit growing and we are seeing crops being left to rot in the ground due to labour shortages and this has been reported in the national press. Regarding dairying, shortage of relief milkers, shortage of milk tanker drivers, shortage of HGV drivers to get the product to the supermarkets will inevitably lead to empty shelves. This is the stark danger that we are facing.

The long and short of it is that farmers must pay the most competitive wages to ensure that workers stay in their roles long-term and enable them to hire the best talent before competitors in other sectors.

UFU POSITION - Agriculture is now the only sector to remain under a separate wages board. Abolition would put farming on the same footing as employers and workers in all other sectors of the wider economy and thereby ensuring fairness and equality.

10. UFU Challenge DAERA Comments

In their consultation, DAERA make a number of comments that the Ulster Farmers Union wish to challenge;

“The agriculture sector has moved on significantly; food security and supply are not under the same threat”.

This is very wide of the mark. There are significant supply chain issues emanating from the Northern Ireland Protocol and supply chain issues we are seeing in 2021 arising from a mixture of Covid and the last impact of the Ever Run container ship getting stuck in the Suez Canal. This is impacting on food, building materials, farm inputs and other products.

11. Differences in pay, terms and conditions for agricultural workers and other workers in NI/UFU Counter Arguments

UFU Counter Arguments

In the absence of mandatory and standardised minimums set in the AWB Order, DAERA state that there could be some downward pressure on wage rates.

UFU Response – This is highly unlikely that workers would default to the minimum. Instead, our members will ensure that rates of pay will continue to reflect existing contracts, skills, experience, retention of staff and management responsibilities. Farming competing with other sectors for labour at time of a shortage and our members will be seeking to retain skilled and able workers. It is in their interests to reward their workers with competitive wages and good working conditions.

The age-based national minimum wage for the 20 and under age group remains significantly below the current entry and standard grade rates (Grades 1 and 2) of the agricultural wages pay structure. Younger (20 and under) and newer workers are most likely to be adversely impacted. Workers at the standard grades aged 21 and over would be expected to benefit from a higher rate of pay. Casual workers, including seasonal and migrant workers, will be affected as they will be considered as 'new entrants' and are thus more likely to receive the national minimum wage rate. Again, those under the age of 21 are less likely to benefit and those aged 21 and above are likely to benefit on a similar basis.

UFU Response - The gap between the AWB and NMW rates for ages 18-20 is closing, but remains 39p below the AWB rate at present. This will eventually reach parity (and pass it) as our members seek to retain labour.

Overtime - Overtime is not legislated for under National Minimum Wage Legislation. Overtime rates may be lower if no contract is in place and the minimum is applied. Workers under contract would be expected to retain their current terms and conditions.

UFU Response – Overtime is offered and paid on the basis of needs on the farm business. It will be in the interest of the farmer employer to pay a competitive overtime rate if they wish to get the work done, often against a tight time frame in terms of the weather, deadlines for orders and ongoing market challenges.

Holiday Allowance – The statutory minimum for holiday allowance for agricultural workers could be reduced by one day for employees with one year's continuous service unless otherwise specified in a contract of employment. Temporary, casual or new workers would be unaffected.

UFU Response – As above with Overtime.

Sick Pay – The amount of sick pay could be reduced for workers who meet the one year continuous service requirement and are not under contract or agreement.

UFU Response – Crucially Temporary, casual or new workers would be unaffected. In the interest of fairness throughout the workforce, the farmer employer will ensure parity in terms of sick pay provision.

Looking Forward

In the event that the AWB is revoked, it would see the end of setting of specific wage rates, along with other employment terms and conditions, for the agriculture sector. This will place our industry on a common platform with all other sectors of the Northern Ireland economy.

Our response has illustrated that not only will similar powers and protections be maintained through the existing wider national minimum wage legislation, but it will be in our members (i.e employers) best interests to pay their employees the best rate of pay and ensure working conditions in light of the significant challenges our sector is facing.

To conclude, the UFU are calling for the AWB and its founding legislation should be abolished.

Regulatory Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Regulatory Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence to support your view:

Equality Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Equality Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence that supports your view:

Rural Needs Impact Assessment

Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Rural Needs Impact Assessment?

No

If you have answered yes above, please provide your comments here

Evidence that supports your view:

Other Comments

If so, please provide them in the space below

Additional views or comments on the proposals:

There are a number of graphs and tables which we were not able to include in our response due to the limiting capabilities of the Citizen Space software and we would ask that these table could be provided to DAERA in due course.

If you have added any further comments above in relation to the proposal, what additional potential economic, equality or rural needs impacts might there be in relation to any of your comments?

Economic, equality or rural needs impacts:

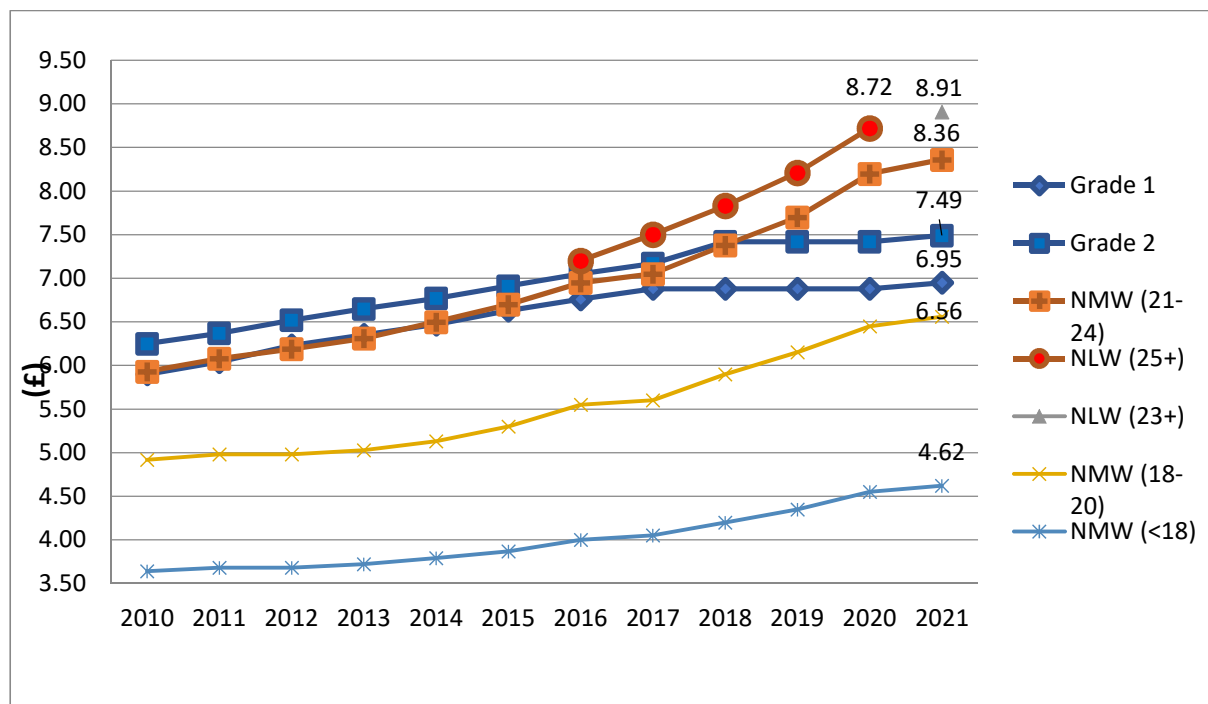
Ulster Farmers Union – Accompanying Illustrations

2. AWB Structure/Annual Wage Negotiation

Annual Wage Negotiation - Up until 2016, an annual percentage increase was agreed and applied during the annual wage negotiations. This maintained a graded pay structure which reflected the pay scale on a farm. However, the introduction of the National Living Wage has eroded the age differentials which were necessary to ensure a rational annual pay increase. This is illustrated in Graph One below.

In fact, close observation of the graph from 2016 onwards illustrates that the National Minimum Wage and National Living Wage increased disproportionately. What this meant was that during wage negotiations, this created an artificial benchmark when it came to wage setting.

Graph One – AWB, NMW & NLW Rates 2010 to 2021



Source – DAERA Consultation

3. Agricultural Employment in Northern Ireland

Consider Table One below from the Ulster University Economic Policy Centre, which illustrates actual and forecast employment data for Northern Ireland industry sectors.

According to the Ulster University, agriculture is only one of two sectors in Northern Ireland where they expect to see a decline in number employed in the next decade. This is a significant observation considering what we discuss later regarding the scarcity of available labour which is developing in the workplace and is covered under point X of our response.

Table One – Northern Ireland Actual and Forecast Sectoral Employment

Sectoral employment actual and forecast (000's)

Industry	2008-12 (Recession)	2012-20 (Recovery)	2020-30 (Forecast)
Agriculture	0.8	-2.6	-0.5
Mining & quarrying	-0.2	0.0	0.0
Manufacturing	-11.1	15.3	3.5
Utilities	0.0	0.9	0.1
Water supply & waste	0.4	1.8	0.6
Construction	-25.9	8.7	5.3
Retail	-13.1	4.1	-9.4
Transport & Storage	-0.6	4.5	2.5
Hospitality	-1.0	7.4	4.9
ICT	-1.0	7.1	5.0
Financial services	-1.5	0.5	0.6
Real estate	0.2	1.0	0.3
Professional & scientific	-0.1	10.8	8.6
Administration services	-3.3	8.9	3.3
Public Admin' & defence	-4.6	-6.9	1.2
Education	-1.7	5.9	2.4
Health & social work	3.2	20.3	6.4
Arts & entertainment	0.1	1.0	2.3
Other services	-0.3	4.7	1.6
TOTAL	59.7	93.3	38.5

Source UUEPC Summer Outlook 2021

8. Position in Republic of Ireland/England

Republic of Ireland - In terms of comparisons, the one between Northern Ireland and how agricultural workers are paid in the Republic of Ireland is most relevant. A more favourable rate of pay in the Republic of Ireland could lead to workers in border areas of Northern Ireland for example seeking employment across the border so to speak and exacerbating the growing shortage of available labour.

In 2019, agriculture contributed around 1.2% to the GDP of the Republic of Ireland, whereas in Northern Ireland, agriculture contribute 2.4% to economic output.

In the Republic of Ireland, the provision for agricultural wages has been removed, with workers covered by their National Minimum Wage.

Rates on or after January 2021		
	Minimum hourly rate of pay, €	% of minimum wage
National minimum wage (Aged 20 and over)	10.20	100
Aged under 18	7.14	70
Aged 18	8.16	80
Aged 19	9.18	90

11. Other differences between pay, terms and conditions for agricultural workers and other workers in NI and UFU Counter Arguments

The table below outlines some of the key differences between workers in agriculture and workers in other sectors of the economy in Northern Ireland:

Measure	For Agricultural Workers	For Non-Agricultural Workers
Minimum rate of pay	AWB NI rates (outlined above)	NMW & NLW rates (outlined above)
Minimum rate of overtime	1.5 times the hourly rate of pay (for any hours over 39 hrs/week)	None set
Maximum amount deductible for provision of accommodation	£45.00/week	£58.52/week
Paid holiday entitlement	5.6 weeks/year (28 days for a worker working 5 days a week) + one additional day for workers employed for over a year	5.6 weeks/year (28 days for a worker working 5 days a week)
Amount of paid sick leave	After one year's continuous employment and paid after being off sick for 4 or more days, a maximum of 60 days	Paid after being off sick for 4 or more days, Statutory Sick Pay (SSP) for a maximum of 28 weeks

Measure	For Agricultural Workers	For Non-Agricultural Workers
	in a rolling 12 month period or 120 days in a rolling 48 month period.	
Level of sick pay	1/10 th the weekly minimum rate of AWB pay for each day sick, plus SSP	SSP = £95.85/week

Potential differences in pay rates are set out above and will depend on factors such as age, current grade and contract status.



**Unite submission to the consultation
on the proposed abolition of the
Agricultural Wages Board**

July 2021

Introduction

- 1.1** On 20th January 2021, DAERA Minister Poots made public his intention to abolish the Agricultural Wages Board (AWB) in Northern Ireland. The AWB is the only collective bargaining forum for agricultural workers in Northern Ireland. Its abolition will mean the end of collective bargaining in agriculture. The employers have declared that they will not continue sector wide collective bargaining if the AWB ends, though many support its continued existence in statutory form. In consequence agricultural workers will have to rely on the generosity of individual employers to set wage rates. These are unlikely to be above the national minimum wage and many employers are prepared to breach the law in order to pay less than that (as evidenced below). The consequences for the agricultural economy in Northern Ireland are likely to be dire.
- 1.2** This is not the first time the AWB has been earmarked for abolition. In Northern Ireland in 2007 former Agriculture Minister Michelle Gildernew reversed her earlier decision to abolish the body on grounds of its continued vital, contribution to workers and the rural economy.
- 1.3** The AWB in England and Wales was abolished in 2013 in consequence of which agricultural wages fell. The prediction that they would accordingly fall led to the Welsh government to introduce legislation to establish an Agricultural Wages Panel to continue the role of the AWB in 2016. The legislation was challenged by the UK government but the Supreme Court upheld the devolved nation's right to restore collective bargaining in agriculture in this way (*Attorney General for England and Wales v Counsel General for Wales* [2014] UKSC 43, [2014] 1 WLR 2622). In Scotland, the Agricultural Wages Board continues to function as the Scottish Parliament decided to retain the body in 2015.
- 1.4** The abolition of the AWB and with it the ending of collective bargaining in the agricultural sector will breach the UK's international treaty obligations, as set out below. These were recently reiterated in the EU-UK Trade and Cooperation Agreement. As is well known, the UK appears already to have breached this treaty with in other respects related to Northern Ireland. Enforcement of this agreement is in the hands of the EU so that the consequences are unpredictable.
- 1.5** As important as the economic and legal effects of abolition may be, the consequences for democracy are surely as relevant. Collective bargaining is the only meaningful way in which workers can ensure that they can influence the setting of the terms and conditions under which they work and the resources and time they have available for life outside work. Collective bargaining is the means by which industrial democracy is put into effect.

New Decade, New Approach

- 2.1** The AWB was included in a list of 'arms-length bodies' which were identified for 'review' through a series of tests the Executive agreed as part of the New Decade, New Approach agreement of December 2019.

- 2.2** The proposal to proceed with the abolition of the AWB contrasts with the circumspect approach taken by the Agriculture Minister to other commitments in the New Decade New Approach agreement, for example the establishment of an independent Environmental Protection Agency.
- 2.3** Unite believes that the plans to abolish the AWB fail to meet the tests set out by the Executive for its review. The New Decade, New Approach agreement set out that all arms-length bodies would be assessed as to their compliance with any of the following six criteria:
- Do its functions need to be delivered independently and at arm's length from Ministers?
 - Do its activities require political impartiality?
 - Does it perform a technical function which would be inappropriate to be carried out by a Government Department?
 - Is there overlap with any other ALB and could its functions be amalgamated with another ALB? Are there efficiencies which could be made?
 - Has it outlived its purpose and should it be abolished?
 - Does it have sufficient transparency to the public about its activities and could this be improved?
- 2.4** This document reviews the role of the AWB and sets out the case for its retention as a vital protection to the most vulnerable and exploited workers in Northern Ireland.

The role of the AWB

- 3.1** Wages Boards were first established in the UK by the Trades' Boards Act of 1909. The origins of the AWB are historically linked with national food security and financial support for the industry; agriculture remains a 'special case' by comparison with other UK industries as the taxpayer subsidises it to the tune of billions of pounds a year through grants. The link between public financial support for agriculture and the need for legally enforceable minimum wages and conditions for workers was established by the Corn Production Act (1917) and has been maintained by successive UK Governments.
- 3.2** The first Agricultural Wages Committees were established by the Agriculture Act 1920 but were abandoned until fully established by the Agricultural Wages (Regulation) Act 1924. This legislation applied across the islands of Britain and Ireland. The 1924 Act was replaced by the Agricultural Wages Act 1948. Legislation in Northern Ireland in 1939 and 1956 followed, passed by the NI government of the day (and which remain partially in force for example in relation to holiday entitlement).
- 3.3** The timing of this legislation is relevant. The First World War produced in Britain (and Ireland) the adoption of sectoral collective bargaining as a policy, based on the recommendation of the Committee chaired by JH Whitley for National Joint Councils in each industry (some still called 'Whitley Councils'). These voluntary bodies were

accompanied by an expansion (by the Trade Boards Act 1918) of trade boards in the industries where trade union organisation was insufficient to found an NJC. Internationally, the International Labour Organisation was founded as part of the Versailles peace treaty in 1919.

- 3.4** After the Second World War, the victorious allies, in May 1944, agreed the *Declaration of Philadelphia* which is now annexed to the ILO Constitution and, amongst other things:

...recognises the solemn obligations of the International Labour Organisation to further among the nations of the world programmes which will achieve-
(a) *the effective recognition of the right of collective bargaining...*

- 3.5** The year after the Agricultural Wages Act, the ILO adopted, what is now one of the most fundamental of its Conventions, binding on every Member State regardless of specific ratification (though the UK was the first to do so), Convention No.98 on the Right to Organise and to Bargain Collectively (1949). The fundamental nature of this Convention and its relevance today in binding the UK and the government of Northern Ireland is worth restating using the language of the ILO's *General Survey on the fundamental Conventions concerning rights at work in the light of the ILO Declaration on Social Justice for a Fair Globalization, 2012* (all emphasis is in the original):

165. One of the ILO's principal missions is to promote collective bargaining the world over. This mission was set out in 1944 in the Declaration of Philadelphia, which forms part of the ILO Constitution and recognizes the solemn obligation of the International Labour Organization "to further among the nations of the world programmes which will achieve [...] the effective recognition of the right of collective bargaining". This principle was enshrined in Convention (No. 98), adopted five years later, which has since achieved almost universal endorsement in terms of ratification, bearing witness to the force of its principles in the majority of countries. In June 1998, the ILO took a further step with the adoption of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up. The Declaration indicates that "all Members, even if they have not ratified the [fundamental] Conventions in question, have an obligation arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights". These principles include the effective recognition of the right to collective bargaining.

167. ... Collective bargaining is one of the principal and most useful institutions developed since the end of the nineteenth century. As a powerful instrument of dialogue between workers' and employers' organizations, collective bargaining contributes to the establishment of just and equitable working conditions and other benefits, thereby contributing to social peace. It also provides a basis for preventing labour disputes and determining procedures for the settlement of certain specific problems, particularly in the context of adjustment processes in the event of economic crisis or cases of force majeure, as well as worker mobility programmes. Collective bargaining is therefore an effective

instrument which facilitates adaptation to economic, socio-political and technological change. The principal elements of Convention No. 98, with which most national law and practice is now aligned, are the following: (i) the principle of the independence and autonomy of the parties and of free and voluntary bargaining; (ii) the effort made, in the context of the various bargaining systems, to reduce to a minimum any possible interference by the public authorities in bipartite negotiations; and (iii) the primacy accorded to employers and their organizations and to trade unions as the parties to negotiations.

...

Promotion of collective bargaining

National legislation

*198. Under the terms of the ILO Declaration on Fundamental Principles and Rights at Work, 1998, **collective bargaining is a fundamental right accepted by member States from the very fact of their membership in the ILO, and which they have an obligation to respect, to promote and to realize in good faith.** In this respect, Article 4 of Convention No. 98 sets out two essential elements: action by the public authorities to promote collective bargaining; and the voluntary nature of negotiation, which implies the autonomy of the parties. Although this provision does not imply a formal obligation to negotiate and to reach agreement, the supervisory bodies consider that the parties must respect the principle in good faith and not resort to unfair or abusive practices in this context (such as, for example, the non-recognition of representative organizations, obstruction of the bargaining process, etc.). The Committee emphasizes that the overall aim of this Article is, however, the promotion of good-faith collective bargaining with a view to reaching an agreement on terms and conditions of employment. The agreements so concluded must be respected and must be able to establish conditions of work more favourable than those envisaged in law: indeed, if this were not so, there would be no reason for engaging in collective bargaining.*

...

Machinery and procedures to facilitate and promote collective bargaining

241. The Collective Bargaining Recommendation, 1981 (No. 163), proposes a series of means to facilitate and promote collective bargaining, in accordance with Article 4 of Convention No. 98. These include measures with a view to: (i) facilitating the establishment and growth, on a voluntary basis, of free, independent and representative employers' and workers' organizations; (ii) establishing procedures for the recognition of the most representative organizations; (iii) ensuring that collective bargaining is possible at any level whatsoever; (iv) enabling negotiators to obtain appropriate training and the parties to have access to the information required for meaningful negotiations (such as information on the economic situation of the enterprise, on condition, however, that the objectivity and confidentiality of such financial data is subject to reasonable guarantees); and (v) taking measures adapted to

national conditions so that procedures for the settlement of labour disputes assist the parties to find a solution to the dispute themselves...

In summary then, the ILO requires of States that they take active steps to promote collective bargaining, that a union should be able to bargain collectively with the relevant employers on behalf of its members where there is no other more representative union, that though collective bargaining is voluntary that principle is not conflicted by a legal requirement on an employer to recognise a representative union for collective bargaining, and that States must not obstruct collective bargaining.

- 3.6** The current Agricultural Wages Board in Northern Ireland was established as a result of the Agricultural Wages (Regulation) (Northern Ireland) Order passed by Westminster in 1977. It is entirely consistent with the ILO obligations of the UK and Northern Ireland governments. Under the legislation, The AWB meets three times a year and is made up of 15 members including: six members of the Ulster Farmers Union (UFU) to represent agricultural employers; and six members of Unite the Union to represent agricultural employees. These are the industrial parties who conduct collective bargaining between them to reach agreement on the various matters within the scope of the AWB. Should they fail to agree, there are three members appointed by the Minister of Agriculture, Environment and Rural Affairs (one of whom chairs the meetings) who then intervene and by casting their votes effectively break the deadlock. The three ministerial appointments do not otherwise have a role in the negotiations. Thus, this is a form of collective bargaining with an inbuilt mechanism of arbitration.
- 3.7** The outcome of the negotiations, by majority vote, is binding on all employers and workers in agriculture – see below. The cost of operating the AWB is minimal: including secretariat staff and administrative costs, excluding enforcement costs (as no complaints have been received), it has averaged around £25,000 per year over the last three years.
- 3.8** The AWB's remit applies to 'agriculture' which is defined as including:

"horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, market gardens and nursery grounds, the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, the scutching of flax and tow and any process preparatory to or connected with the scutching of flax or tow".

This is quite a broad potential remit but has largely been restricted in practice: "it is AWB policy that the packing of produce is not classed as agricultural work and the picking/gathering is. However, there is no comprehensive list of work to which the 1977 Order applies and the exact extent of any non-compliance with AWB legislation may be dependent on an individual worker's specific circumstances and subject to testing by a court or employment tribunal."

The legislation gives a right to any agricultural worker to appeal to the AWB to consider their pay and conditions if they fall below those set by the Board. Under law the AWB must include equal trade union and farmers' union representation.

3.9 The legislation gives the AWB powers to negotiate and thus determine:

- Wage rates;
- Pay in lieu of wages;
- Sick Pay;
- Holiday pay; and,
- Piece rates.

In all cases, these are not to fall below standards provided for elsewhere in the law.

Benefit to agricultural field and farm workers

- 4.1** While the numbers in paid agricultural employment have fallen substantially over the last century – this does not mean affect the need to retain protections for farm workers or agricultural field producers. Supermarkets maintain continuing pressure for cheap food which in turn pressurises farmers to reduce labour costs.
- 4.2** The consultation claims that 'agricultural workers often worked in rural and isolated areas and were more likely to be dependent on their employer for their livelihood and home'. This situation unfortunately is not that unusual today – indeed it is not only farm workers who work in such conditions of dependence but also those in the wider agri-food sector.
- 4.3** Proponents of the case for abolition claim that there is no need for the AWB – the reality is the direct contrary. There is more need than ever for this body – in particular in the context of Brexit where supra-national obstacles to the removal of employment protections and workers rights have been removed.
- 4.4** The latest Agricultural statistics (from the Agricultural Census 2019) show that a total of 11,910 workers are employed in the agricultural sector in NI. More than half of whom (58.3%) are employed on less favoured area farms. Of this total, 4,027 are categorised as casual or seasonal and 4,453 are part-time.
- 4.5** As indicated in the table below, which exclude spouses and only include those in formal employment, the biggest cohort of casual or seasonal, and part-time permanent, workers are employed on 'very small' farms. This confirms that the huge impact abolishing the AWB will have on casual and part-time workers on very small or small farms.

WORKERS EMPLOYED BY FARM BUSINESS SIZE (2019)					
Status	Very Small	Small	Medium	Large	Total
Full-time	823 (4%)	385 (1%)	319 (9%)	1,903 (55%)	3,430
Part-time	2,506 (56%)	760 (7%)	401 (9%)	786 (18%)	4,453
Casual/ Seasonal	1,853 (46%)	693 (7%)	431 (11%)	1,050 (26%)	4,027
Total	5,182 (44%)	1,838 (15%)	1,151 (10%)	3,739 (21%)	11,910

The Department of Agriculture census figures provides a breakdown of these figures by full-time, part-time and casual against sex category and whether paid or unpaid. Clearly, given the overwhelming predominance of male over female within non-spousal workers in all categories means that this the abolition of a structure which provides a floor to terms and conditions is potentially discriminatory against males.

NON-SPOUSAL WORKERS EMPLOYED BY FARM BUSINESS SIZE (2019)					
Status	Male (paid)	Male (other)	Female (paid)	Female (other)	Total
Full-time	1,958	842	499	131	3,430
Part-time	1,311	2,209	281	652	4,453
Casual/Seasonal	2,531	1,121	158	217	4,027
Total	5,800	4,172	938	1,000	11,910

- 4.6** The figures confirm that there are more than 6,738 people employed on a paid basis on farms. 2,689 of these are employed on a casual/seasonal basis and 3,520 on a part-time basis. Clearly even those employed on a paid basis are predominantly in insecure forms of employment.
- 4.7** At the same time, 5,172 are categorised as ‘other’ employment i.e. not formally paid. This is a very significant proportion (43%) of the total employed on farms/agricultural field production demonstrating that this is a sector where the labour market is insufficiently developed to ensure workers are paid for their efforts. Arguments that this includes children of farm families only further highlight the significance of the protections afforded by the AWB to younger workers in particular.
- 4.8** Figures produced by HMRC annually confirm the scale of wage underpayment – even in regard to the national minimum wage provisions. The latest figures for Northern Ireland (Dec 2020) confirm that 1,354 workers across the economy were paid a total in excess of £104k below the legal threshold. Notably two of the three biggest sums were owed by operators in the food processing sector. The total underpayment by food processors was in excess of £53.5k. Again, there are obvious questions over enforcement, in particular in relation to smaller-scale agricultural employers.

The case for the AWB

- 5.1** The abolition of the AWB opens the door to a post-Brexit race-to-the-bottom on workers’ (and farmers’) pay and conditions. The very justification of Wages Boards, as Winston Churchill pointed out in introducing the Trade Boards Act 1909 was to prevent undercutting: ‘... where you have what we call sweated trades, you have no

organisation, no parity of bargaining, the good employer is undercut by the bad, and the bad employer is undercut by the worst...'

- 5.2** Despite previous efforts by the trade unions, and while there is need for further discussion within the trade union movement on effectively organising these workers, agricultural field workers and farm labourers face inherent barriers to organising collectively through trade unions. The reasons for this include the small scale of operations, the high rate of turnover and the temporary/seasonal nature of employment in the sector. Additional barriers to effective collective organising include the prevalence of migrant workers, who often encounter linguistic barriers, issues with their legal status and lack of awareness of basic services and workplace supports.
- 5.3** The consultation paper claims that 'personal communications technology, such as mobile phones, means they are likely to be better connected and more aware of their rights as employees'. Sadly, this fails to take account of linguistic or legal barriers facing employees in the sector. There is also a major gap between being aware of your rights and having the wherewithal to assert them in fact.

Budgets for community and voluntary organisations operating within the agricultural field sector and which engage to publicise workers' rights are very inadequate – even more so those which target workers who speak minority languages. NGOs which work in this area are currently facing budget cuts, while enforcement bodies including HMRC and the Gangmasters and Labour Abuse Authority (GLAA) are under-resourced. The Director of Labour Market Enforcement (DLME) identifies agriculture as being at 'high risk' of labour exploitation despite 15 years of being a licensed sector under the GLAA.

Many workers hold fear of reprisals for asserting their rights – this is a real and justified fear in all too many cases, as has been illustrated by such cases being reported to the Low Pay Commission, DLME, etc.

- 5.4** The reality is that for agricultural workers, supply and demand do not determine wage level as migrant workers or others employed in the sector often have little option but to take up any opportunity of work. The consultation document references the changes in employment law which have, it asserts, made the AWB provision unnecessary but this assertion is not evidenced. The national minimum wage is lower than the standard hourly rate set by the AWB without even taking into consideration the higher rates payable for overtime, night work, on-call time, and waiting time. The assertion, if it is meant to refer to the national minimum wage, does not even address the fact that every year employers continued to be found guilty of paying less than the legal minimum see section 4.8 above. The likelihood is that in an economy where almost half of all employees are categorised as 'other' instead of 'paid', such practices will be even more widespread.
- 5.5** The absurdity of the assertion that the AWB is no longer needed from the workers point or view is illustrated by the fact that the department estimates that employers will benefit by £1.2 million over the next ten years from the abolition of the AWB. This

is £1.2 million taken from the pockets of agricultural workers who will be worse off. This will damage the rural economy as well. The AWB provides the additional protection needed by agricultural and farm workers who cannot defend themselves to win decent pay increases

Farm labour, trafficking and modern-day slavery

- 6.1** Agricultural field workers are often subject to the most oppressive conditions of employment, see for example the extreme exploitation revealed in the English AWB case of *Antuzis v DJ Houghton Catching Services Ltd* [2019] EWHC 843 (QB); [2019] 4 WLUK 95; [2019] IRLR 629. In 2020 there was general revulsion after a major producer based in the Republic of Ireland, flew in workers in the middle of a pandemic lockdown flouting their safety so they could pick fruit and vegetables.
- 6.2** Trafficking of agricultural field workers in Northern Ireland has been reported repeatedly over the past years. In addition, modern day slavery is a major problem in Northern Ireland – at the very time the Minister was proposing scrapping the AWB, last year 59 ‘modern day’ slaves, including children, were rescued in Northern Ireland. In 2015 a raid on a farm near Newtownabbey released 16 ‘modern day’ slaves.
- 6.3** Workers who are trafficked or subject to slavery – by definition cannot defend their basic human rights, let alone defend their working conditions and pay. Alongside the GLAA, the AWB plays a vital role in addressing potential exploitation of vulnerable migrant workers. Under the current arrangements DAERA has a role of enforcement but under the proposed abolition this will be removed leaving enforcement exclusively to HMRC. This is highly likely to result in a loss of knowledge and local understanding within DAERA but also places reliance on the underfunded HMRC which lacks capacity. Cuts to HMRC, as with other enforcement bodies and a lack of political will, means that the prospect of effective enforcement by HMRC is low. The abolition of the Agricultural Wages Board will only signal the green light to these criminal practices.
- 6.4** Given the prevalence of migrant workers and younger workers among the agricultural workforce, abolishing the AWB will have a particularly sharp impact on poverty rates in these economically disadvantaged groups. There are clear Section 75 duties implications for this which have not been considered by the Department.

Protecting workers

- 7.1** The experience in England since the abolition of the AWB there has confirmed Unite’s warnings ahead of that decision. A 2014 survey found that only about half of the agricultural field workers and those working on farms who were interviewed had wage increases, and those who did received an increase which fell behind the average for similar manual workers. Enhanced rates for overtime, night work and other premiums formerly provided by the AWB have simply disappeared.
- 7.2** The assertion in the consultation document that ‘workers under contract would be expected to retain their current terms and conditions’ – this is both unlikely in relation

to terms and conditions in relation to overtime rates, sick pay and holiday time – but also misses the likelihood (at best) that pay rates are likely to remain frozen until they are ‘caught up’ by the national minimum wage. In England, this did not happen: members on pre-existing contracts reported attacks to terms and conditions in the immediate aftermath of the abolition of the AWB there.

7.3 The assertion that ‘it is not expected that all workers would default to the minimum and instead pay rates will continue to reflect factors such as existing contracts, skills, experience, retention of staff and management responsibilities’ – does not match up with reality in the sector. For many agricultural workers, indeed for many workers in the wider economy, working for years without ever having sight of a contract is not at all uncommon. The reality is that wage rates are largely set on the basis of being the least payable without breaking the law – unless collectively organised this is the reality which many workers face.

7.4 As has been documented by Unite, the experience of the abolition of the AWB in England confirms that workers have borne the brunt of the impact. The same will happen in Northern Ireland unless this proposal is reversed; indeed, the consultation’s regulatory impact assessment confirms this – offering a ‘best estimate’ that annually £600,000 will come out of workers’ pockets and into employers’. This is a highly regressive proposal.

7.4.1 Incomes – last year through the AWB, Unite the union secured a one percent increase across all levels meaning at least some improvement for the more than 11,000 agricultural field and farm workers in Northern Ireland. Unite surveys of agricultural/farm workers in England in the years following the abolition of the AWB by the Tories confirmed that without the protection afforded by the body, farm workers’ pay fell below the average year-after-year.

Contrary to the arguments of those who state that either the national minimum wage or national ‘Living Wage’ have made the AWB unnecessary, the Board still sets a minimum rate of pay which is higher than the legal minimum set elsewhere in regard to Grade 1 (16-20) year olds (£6.95), Grade 3 (£8.91), Grade 4 (£9.58), Grade 5 Supervisory (£10.09) and Grade 6 Farm Management (£10.95). Arguments made by the UFU that many employers already exceed these rates suggest both that the cost to employers of this measure is minimal – but also fail to address the situation of the many for workers whose employers refuses to make such payments and who will benefit from the £1.2 million in saved wages estimated by the Department.

These rates compare starkly to those applicable under the NLW and NMW which are 23 years and older £8.91; 21-22 £8.346; 18-20 £6.56; U18 £4.62; and apprentice £4.30.

7.4.2 Piece rates – the AWB ensures that piece rates will not fall down below the NMW entitlement. That is vital for ensuring basic human dignity and also to protect those who for various reasons may be a ‘slower worker’, e.g. disability, age, sickness or injury.

7.4.3 Deductions – the NI AWB limits deductions for accommodation at a flat rate of £45 a week (or £1.50 per week if the worker was employed prior to 2009). Again without this body, this protection – essential for migrant workers – would have to rely upon wider protections under the NMW act which limit deductions to £58.52 and will not prevent accommodation being charged separately.

7.4.4 Overtime – probably the most significant impact of abolition will be the removal of the guaranteed AWB overtime rate of 1.5 times the standard rate. This is industry standard in larger workplaces in other well-organised industries but in agriculture it is unlikely to outlive the AWB.

The average working week in Northern Ireland is 37.4 hours but agricultural workers tend to work much longer hours at harvest and cropping periods to make best use of daylight hours. Historically, workers in this sector have relied upon high levels of overtime given the low hourly rate, to bring home a liveable income. The standard working week is set by the AWB at 39 with all additional hours paid as overtime – this is a vital protection for workers in this sector.

7.4.5 Apprentices' pay – the AWB sets a rate of pay for new entrants aged 16-20 which is significantly higher than that applicable under the national minimum wage (currently £4.62). The difference in the rates is £2.33 an hour (or 50 percent). This would mean a huge impact on poverty rates among the youngest workers – and a huge impact on the ability to attract new entrants to the sector.

As stated by the Department in its own consultation document – 40 percent of farm families have a young person aged 18 or under. The AWB rate for new entrants encourages greater numbers to enter this sector for the future, encourages skills development and helps address youth poverty rates in rural areas and among migrant communities.

7.4.6 Sick pay – the AWB plays a vital role in ensuring farm workers do not have to rely exclusively on meagre statutory sick pay provisions of £96.35. It specifies that agriculture workers must receive sick pay at a rate of 1/10 the AWB minimum pay per day in addition to SSP, after four days of sickness absence up to a maximum of 60 days in a year.

Handling animals is inherently dangerous – with risk of contracting pneumonia, TB, Avian flu, African Swine Fever and zoonoses – not to mention Covid-19. Agricultural field workers are also subject to much higher incidences of work-related conditions including musculo-skeletal disorders, vibration-related injuries and respiratory diseases. There is a particular need for additional protection and enhanced sick pay.

7.4.7 Paid holiday entitlement – the Northern Ireland AWB provides an additional paid holiday leave entitlement to workers employed more than a year. This is clearly a matter of great significance to migrant workers who need additional time to visit relatives and family – in particular in times of crisis. Notably in the absence of specific provisions, as enforced by Agricultural Wages Orders in Scotland and Wales, there are

currently no provisions in Northern Ireland for paid bereavement leave. This is despite limited but generalised parental bereavement leave entitlement being legislated by Westminster in February 2020.

Protecting small farmers and farm families

- 8.1** The Ulster Farmers' Union champions the interests of big ranchers and the agri-food bosses and has led efforts to abolish the AWB on the grounds that it is not necessary and only represents red tape and bureaucracy on farmers. The Assembly members' declaration of interests indicates that Agriculture Minister Edwin Poots continues to be a member of the UFU, despite contrary information issued to civil servants in the Department of Agriculture.
- 8.2** The UFU do not appear to care that abolishing the AWB threatens to remove protections for many small farmers and their family members who are forced by economic necessity to work on other farms or elsewhere in the industry.
- 8.3** The impact of removing the protections extended by the AWB to small farmers and their families will impact disproportionately on some of the lowest income households in Northern Ireland. It will weigh most heavily on a generation of younger agricultural workers who will lose significantly on pay as well as the encouragement it provides for upskilling. The risk of workers leaving the industry and even emigrating is real. So is the risk that falling agricultural wage rates will depress rates in other sectors across NI as those who would have worked in agriculture seek work elsewhere. Any depression of wages will, as noted, depress demand in the economy (particularly the rural economy), perhaps the last thing the NI economy needs at present.
- 8.4** The UFU argues that the cost of compliance with the AWB's rulings for small farmers is significant – but they do not attempt to quantify the cost of directly negotiating with workers or trade unions in the context where the AWB does not set minimum pay rates and terms and conditions of employment.

The requirements of international law

- 9.1** Article 4 of ILO Convention No. 98 states that: '

“Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.”
- 9.2** Decisions of the ILO's expert committees have, over many years, affirmed that the voluntarism at the heart of Article 4 is of utmost significance. The ILO committees have concluded that the phrase 'voluntary negotiation' carries significant weight,

while clarifying that the ratifying State's duty is – as is plainly written in the text – to 'encourage and promote' collective bargaining.

- 9.3** It is true that the ILO Committee on Freedom of Association (CFA) considers that 'according to the principle of free and voluntary collective bargaining embodied in Article 4 of Convention No. 98, the determination of the bargaining level is essentially a matter to be left to the discretion of the parties' and that 'consequently, the level of negotiation should not be imposed by law, by decision of the administrative authority or by the case-law of the administrative labour authority' (*Freedom of association - Compilation of decisions of the Committee on Freedom of Association* (PDF version) at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_632659.pdf, para. 1404-6). The Committee of Experts on the Application of Conventions and Recommendations (CEACR) has consistently ruled along the same lines, finding that 'the determination of the bargaining level is essentially a matter to be left to the discretion of the parties' (Direct Request (CEACR) - adopted 2018, published 108th ILC session (2019), Right to Organise and Collective Bargaining Convention, 1949 (No. 98) - Spain). Both Committees have expressed concerns that attempts to decentralise bargaining can threaten freedom of association.
- 9.4** However, this is not to the point since the alternative to national collective bargaining through the AWB is no collective bargaining at all. The attitude of the UFU guarantees this and the nature of the industry means that there is unlikely to be a single employing entity where the size of the workforce surpasses the twenty worker minimum for recognition under the recognition machinery [*Schedule A1 Trade Union and Labour Relations (Consolidation) Act 1992*]. Given the stark choice between collective bargaining or no collective bargaining, the NI government's obligation under ILO Convention 98 is clear: maintain collective bargaining.
- 9.5** The second international treaty of relevance is the Council of Europe's European Social Charter of 1961, Article 6, ratified by the UK (including Northern Ireland). IT provides that:
- With a view to ensuring the effective exercise of the right to bargain collectively, the Contracting Parties undertake:*
- 1 to promote joint consultation between workers and employers;*
- 2 to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements ...'.*
- 9.6** The text of the *Digest of the Case Law of the European Committee of Social Rights*, (Published by the Council of Europe, December 2018) which summarises the judgments of the European Committee of Social Rights (set forth in the latter's annual 'Conclusions'), contains the following amplification of this paragraph:

According to Article 6§2, domestic law must recognise that employers' and workers' organisations may regulate their relations by collective agreement. If necessary and useful, i.e. in particular if the spontaneous development of collective bargaining is not sufficient, positive measures should be taken to facilitate and encourage the conclusion of collective agreements. Whatever the procedures put in place are, collective bargaining should remain free and voluntary. ...

9.7 So important is this right that even the military and the police whose other trade union rights (such as the right to strike) may be permissibly limited by States (under Article 31), must be afforded the right to bargain collectively: *Junta Rectora del Ertzainen Nazional Elkartasuna v Spain* Appn No 45892/09, 21 April 2015); *Conseil Européen des Syndicats de Police (CESP) v. Portugal*, complaint no. 11/2001, 21 May 2002 at [58]; *Conseil Européen des Syndicats de Police (CESP) v. France*, complaint no. 101/2013, at [141]; *CGIL v Italy* complaint no 140/2016, 19 December 2016 at [4], *European Organisation of Military Associations (EUROMIL) v. Ireland*, Complaint No. 112/2014; *European Confederation of Police (EuroCop) v. Ireland*, collective complaint No. 83/2012 at [73], [109] and [121]. In consequence of the latter two decisions, the Committee of Ministers of the Council of Europe adopted resolutions requiring the Republic of Ireland to permit collective bargaining for the military and police: Resolution CM/ResChS(2018)2 and Resolution (CM/ResChS(2014)12).

9.8 The relevance of these provisions of binding international law, global and European, were recently reiterated in the Brexit deal concluded on 30 December 2020, the Trade and Cooperation Agreement which provides for its own mechanism for enforcement by the other party.

9.9 Article 399(2) provides:

In accordance with the ILO Constitution and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted at Geneva on 18 June 1998 by the International Labour Conference at its 86th Session, each Party commits to respecting, promoting and effectively implementing the internationally recognised core labour standards, as defined in the fundamental ILO Conventions, which are:

(a) freedom of association and the effective recognition of the right to collective bargaining;

9.10 Article 399(5) provides that:

Each Party commits to implementing all the ILO Conventions that the United Kingdom and the Member States have respectively ratified and the different provisions of the European Social Charter that, as members of the Council of Europe, the Member States and the United Kingdom have respectively accepted ...

9.11 In relation to the UK, a footnote makes clear that for it this is the 1961 version (and not the revised version of 1996).

9.12 Article 399(6) provides:

Each Party shall continue to promote, through its laws and practices, the ILO Decent Work Agenda as set out in the 2008 ILO Declaration on Social Justice for a Fair Globalization (the "ILO Decent Work Agenda") and in accordance with relevant ILO Conventions, and other international commitments, in particular with regard to:

(a) decent working conditions for all, with regard to, inter alia, wages and earnings, working hours, maternity leave and other conditions of work;

(b) health and safety at work, including the prevention of occupational injury or illness and compensation in cases of such injury or illness; and

(c) non-discrimination in respect of working conditions, including for migrant workers.

9.13 These are, of course, some of the matters currently regulated by the AWB.

9.14 Article 399(7) provides that:

Each Party shall protect and promote social dialogue on labour matters among workers and employers, and their respective organisations, and with relevant government authorities.

9.15 The phrase 'protect and promote' appears to contradict the proposal to abolish the machinery of social dialogue which the AWB represents.

9.16 Accordingly, the government of Northern Ireland, was it to abolish the AWB would immediately violate the Trade and Co-operation agreement as well as ILO Convention 98 and European Social Charter Article 6(2). The consequences of violations are, in the latter case an adverse finding by the Committee of Ministers of the Council of Europe and in the case of the ILO adverse decisions of its Committees and diplomatic measures within the ILO. In relation to the Trade and Cooperation Agreement the consequences lie in the hands of the EU and mechanisms are set out in the Agreement for that.

Protecting Agriculture post-Brexit

10.1 The abolition of the AWB is also likely to reduce further labour supply for agricultural producers. The agriculture industry regularly highlights the low level of new 'entrants' into the sector but moves to undermine the attraction of agricultural apprenticeships and lower the ability to recruit cuts across the objective of enticing more entrants.

10.2 Instead of abolishing it, we are seeking a discussion with trade unions on how the AWB's role could be expanded to cover other workers. This would provide a floor for incomes for vulnerable workers and help make a huge contribution to addressing the labour shortages faced by producers post-Brexit.

- 10.3** The AWB could also extend its determinations to limit deductions to pay for other non-monetary benefits. There is considerable scope to follow the example of the AWBs in Scotland and Wales and extend further rights and entitlements to agricultural workers to basic contractual entitlements.
- 10.4** The agriculture sector is unique in the economy, it plays a vital role in securing food supplies and receives huge sums in subsidies and grants. Farm and agricultural field workers face structural obstacles to effective collective organising and negotiating with employers; these factors have been historically reflected through the existence of the AWB.
- 10.5** The consultation paper argues that as NI farms diversify they may become liable to be covered by the Agricultural Wages' Board orders. This would then mean that they would have to determine which rates of pay would apply to which workers and which tasks. The obvious solution to this is for employers to simplify their administration by paying the higher rate across the board – given that it is not much higher, the AWB pay rates should be considered the floor for agricultural workers.

Potential to extend the scope and remit of the Agricultural Wages Board

- 11.1** The current wages rates, terms and conditions set by the three AWBs should be viewed as an absolute floor not a ceiling for farm and field workers; they are far from generous and as a trade union we fight to raise them at every opportunity. If taken away, these minimum protections will only undermine workers' right to even a basic standard of living.
- 11.2** Reviewing the rates set by the Scottish AWB and Welsh Agricultural Wages Order indicates that there is scope to significantly extend the role of the AWB here. The Scottish AWB guarantees an additional £1.32 for those with a 'Certificate of Required Experience'; it also sets a £5.58 hourly rate for those undertaking SCQF Level 4 or 5 in Agriculture/Horticulture and an allowance of £6.57 per working dog up to max of four dogs. The Welsh Agricultural Wages Order provides for a dog allowance of £8.17 per dog and a birth/adoption grant for farm workers of £64.29 for each child. At present the AWB in Northern Ireland does not set additional rates in regard to these aspects.
- 11.3** In Wales, the order provides for 30 minutes rest breaks every 5.5 hours whereas in both Northern Ireland and Scotland farm workers have to rely upon the standard Working Time Directive and Regulations protection of 20 minutes every six hours. The Welsh AWB also provides for an additional 'on call' allowance of 2 times the standard rate; it also sets an additional night work allowance of £1.55 per hour. The Scottish AWB requires a minimum 2 hour 'standby' payment for workers on call.
- 11.4** From even this brief review of the additional rulings of the AWBs in Scotland and Wales, it is clear that there is considerable scope for the remit of the AWB in Northern Ireland to be expanded in relation to the workers it already deals with. In addition, there is also an obvious potential to expand the interpretation of the workers covered

by its rulings – to include much broader groups of employees within the agri-food sector.

Concluding comments

12.1 This submission identifies a strong case for the retention of the Agricultural Wages Board in Northern Ireland. In particular we have provided evidence to justify its retention under five of the six criteria set out as the basis to screen Arms-Length Bodies under the New Decade, New Approach agreement. In particular:

- **Do its functions need to be delivered independently and at arm’s length from Ministers?**

Yes – it is important that the voice of agricultural and farm field workers is heard directly in the process of setting baseline wage rates and conditions of employment in the sector. This is best done through the formalised negotiating process provided by the AWB.

- **Does it perform a technical function which would be inappropriate to be carried out by a Government Department?**

Yes – the AWB performs the role of facilitating negotiations between the employers and trade union representatives of the agricultural workforce for the purpose of setting baseline wage rates and conditions of employment for the sector. No one is arguing that this role could be performed by a government department – the logic is that this could be done through the operation of the free market but that is to ignore the fundamental inequalities facing agriculture and field workers who are often employed in small settings and who may face a range of additional barriers.

- **Is there overlap with any other ALB and could its functions be amalgamated with another ALB? Are there efficiencies which could be made?**

No - there is no other ALB which would perform a similar role to the AWB. The AWB is likely the Arms-length body with the lowest overall operating cost. It is unlikely that its abolition would result in any savings whatsoever. Indeed, it might only result in a far greater cost in time and effort being externalised to small agricultural producers.

- **Has it outlived its purpose and should it be abolished?**

No – the need for the Agricultural Wages Board continues to be a vital one. It is important that agricultural and field workers be provided with baseline protections – specifically, given the predominance of foreign-speaking workers in the sector and likelihood that they would find all protections removed in the context of the abolition of the board. The impact of Brexit and the need to stimulate both new entrants and upskilling through material incentives also provide strong grounds for the bodies’ retention. The particular risks of exploitation in the sector and the vital nature of food

production for food security and the economic growth of Northern Ireland are also strong factors necessitating its retention.

- **Does it have sufficient transparency to the public about its activities and could this be improved?**

Yes – the AWB is transparent with all its determinations being published for public consultation for feedback. It may be that its meetings could be opened to the public through online broadcast formats – to increase awareness of the process. As a trade union we would support such a development.

- 12.2** Overall, the case for the retention of the Agricultural Wages Board is clear and unambiguous. It continues to play a vital role in the protection and safeguarding of vulnerable and exploited workers, many of whom are migrant workers on casual contracts. The experience in England where the AWB was removed has been that of a precipitous loss of unprotected terms and the further immiseration of workers. The consequences of such a ‘race-to-the-bottom’ policy have rebounded in terms of widespread labour shortages and the inability to recruit. It is vital for the future of Northern Ireland agri-food as well as the well-being of its workforce, that we retain the Agricultural Wages Board to provide a baseline of decency for workers in our fields and on our farms.