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WELSH STATUTORY INSTRUMENTS

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**2016 No. 107**

**The Agricultural Wages (Wales) Order 2016**

**PART 3**

**Agricultural minimum wage**

**Minimum rates of pay**

**13.**—(1) Subject to the operation of section 1 of the National Minimum Wage Act 1998<sup>(1)</sup>, agricultural workers must be remunerated by their employer in respect of their work at a rate which is not less than the agricultural minimum wage.

(2) The agricultural minimum wage is the minimum hourly rate specified in the Table in Schedule 4 as being applicable to each grade of agricultural worker, to apprentices and to flexible workers.

**Minimum rates of pay for overtime**

**14.** Agricultural workers must be remunerated by their employer in respect of overtime worked at a rate which is not less than 1.5 times the agricultural minimum wage specified in article 13 and Schedule 4 which is applicable to their grade or category.

**Minimum rates of pay for output work**

**15.** Agricultural workers must be remunerated by their employer in respect of output work at a rate which is not less than the agricultural minimum wage specified in article 13 and Schedule 4 which is applicable to their grade or category.

**Accommodation offset allowance**

**16.**—(1) Where in any week an employer provides an agricultural worker with a house for the whole of that week, the employer may, subject to paragraph (2), deduct the sum of £1.50 from the agricultural worker's minimum wage payable under article 13 of this Order for that week.

(2) Subject to paragraphs (3) and (4), where in any week an employer provides an agricultural worker with other accommodation, the employer may deduct the sum of £4.82 from the agricultural worker's minimum wage payable under article 13 of this Order for each day in the week that the other accommodation is provided to the worker.

(3) The deduction in paragraph (2) may only be made when the agricultural worker has worked for a minimum of 15 hours in that week.

(4) Any time during that week when the agricultural worker is on annual leave or bereavement leave must count towards those 15 hours.

### **Payments which do not form part of an agricultural worker's remuneration**

17. The following allowances and payments do not form part of an agricultural worker's remuneration—

- (a) a dog allowance of £7.63 per dog to be paid weekly where an agricultural worker is required by their employer to keep one or more dogs;
- (b) on-call allowance of a sum which is equivalent to two times the hourly overtime rate set out in article 14 of this Order for each hour that the agricultural worker is on call;
- (c) a night work allowance of £1.44 for each hour of night work; and
- (d) a birth and adoption grant of £60 for each child.

### **Training costs**

18.—(1) Where an agricultural worker attends a training course with the prior agreement of their employer, the employer must pay—

- (a) any fees for the course; and
- (b) any travelling and accommodation expenses incurred by the agricultural worker attending the course.

(2) An agricultural worker who has been continuously employed at Grade 1 by the same employer for not less than 30 weeks is deemed to have received the approval of their employer to undertake training with a view to attaining the necessary qualifications required of a Grade 2 worker.

(3) Any training undertaken by an agricultural worker in accordance with paragraph (2), is to be paid for by the employer.