

Statutory Document No. 2016/0286



*Agricultural Wages Act 1952*

## AGRICULTURAL WAGES BOARD ORDER 2016

*Coming into Operation:*

*1 January 2017*

The Department of Environment, Food and Agriculture makes the following Order under section 2 of the Agricultural Wages Act 1952.

### 1 Title

This Order is the Agricultural Wages Board Order 2016.

### 2 Commencement

This Order comes into operation on 1 January 2017.

### 3 Interpretation

A “**basic grade worker**” is any agricultural (including horticulture) worker whose employment is not as an “ordinary grade worker” nor as a “special grade worker”

A worker is an “**ordinary grade worker**” if that worker is not engaged in horticulture and either:

- (a) that worker is the holder of a National Vocational Qualification (NVQ) Level 2 in agriculture, or equivalent, in a subject relevant to the work, and where the qualification is necessary to the work undertaken; or
- (b) in the course of that worker’s employment the worker:
  - (i) works wholly or mainly without their supervisor being present at the place where the worker carries out their work; or
  - (ii) works with animals; or
  - (iii) is in control of powered machinery; or
  - (iv) drives an agricultural tractor.

A “special grade worker” means a craftsman as defined by the Agricultural Wages Board (Craftsman) Order 1980<sup>1</sup> or a holder of a National Vocational Qualification (NVQ) Level 3 in agriculture, or equivalent, in a subject relevant to the work, and where the qualification is necessary to the work undertaken, but does not include any worker engaged in horticulture.

#### 4 Minimum rates of wages for full-time workers

- (1) Subject to the provisions of this Order, the following minimum weekly rates will apply to full-time workers engaged in agriculture or horticulture where the hours worked are 37 in any week:

Years of Age	Basic Grade Worker	Ordinary Grade Worker	Special Grade Worker
19 and over	£257.89	£286.38	£338.18
18	£246.42	£269.36	£317.83
16 and 17	£224.59	£249.01	

- (2) In any case where the worker in consequence of the prior agreement with the employer and as part of the terms of his employment does not work the full number of hours specified in the Order during the week days in any week, it will not be an offence if the employer deducts from the minimum weekly wage of such worker a sum proportionate to the number of hours lost, and such worker shall be deemed to be a full-time agricultural worker for the purposes of this Order.

#### 5 Overtime rate

All work done in excess of 37 hours per week shall be paid at not less than the following hourly rates:

Years of Age	Basic Grade Worker	Ordinary Grade Worker	Special Grade Worker
19 and over	£10.46	£11.61	£13.71
18	£9.99	£10.92	£12.89
16 and 17	£9.11	£10.10	

#### 6 Regular part-time workers

- (1) In cases where regular part-time labour is undertaken, and the employee is not a full-time worker, the working day is 7 hours and 24 minutes,

<sup>1</sup> Made 22<sup>nd</sup> July 1980

equivalent to 1/5 of a working week of 37 hours and the worker shall be paid by the hour for the number of hours actually worked, at not less than the following rates :

Years of Age	Basic Grade Worker	Ordinary Grade Worker	Special Grade Worker
19 and over	£6.97	£7.74	£9.14
18	£6.66	£7.29	£8.59
16 and 17	£6.07	£6.74	
15 and under	£3.86	£4.29	

- (2) Provided that if a worker arrives at the workplace by prior arrangement with the employer and is unable to work owing to bad weather or other conditions, that worker shall be allowed one hour's pay. All hours in excess of 37 in any week shall be paid for at the rate shown in article 5 above.

## 7 Casual workers

- (1) Where a worker is employed on a temporary basis by the hour or day but has not been continuously employed for more than twenty weeks the worker shall be paid by the hour for the number of hours actually worked, at not less than the Minimum Wage as determined by the Minimum Wages Act 2001<sup>2</sup>.
- (2) Provided that if a worker arrives at the workplace by prior arrangement with the employer and is unable to work owing to bad weather or other conditions, that worker shall be allowed one hour's pay. All hours in excess of 37 in any week shall be paid for at not less than the casual workers' rate specified above plus an additional premium of 50%.

## 8 Work pattern

Every worker shall work a planned work pattern which enables at least 1 full day off per week, unless otherwise mutually agreed between the worker and employer.

## 9 Holidays

- (1) Every worker employed for less than a year shall receive paid holidays during that first year for a period of 4 weeks per year, or such minimum as the Annual Leave Regulations<sup>3</sup> shall specify, whichever is the greater.

<sup>2</sup> 2001 c.25

<sup>3</sup> SD No. 102/07

- (2) Holiday entitlements for part-time employees as provided in this article and article 10 below should be calculated using a proportionate amount (pro-rata) of the full time entitlement.

## 10 Longer holidays for longer serving workers

- (1) Every worker who has continuously been in the employment of the same employer (such term including the personal representatives, successors and assigns of the original employer) for at least one year shall during the year then commencing be entitled to a further paid holiday of one day in addition to the statutory minimum entitlement provided for in the Annual Leave Regulations.
- (2) Every worker who meets the qualifying conditions contained at paragraph (1) of this article shall also be entitled to a paid holiday on: -

Christmas Day  
Boxing Day  
New Year's Day  
Good Friday  
Easter Monday  
the first Monday in May  
Senior Race Day  
Tynwald Fair Day  
Hollantide (12<sup>th</sup> November)

or alternative days as mutually agreed between the employer and the worker.

## 11 Workers paid in excess of the minimum wage

A full-time worker whose wages exceed the minimum rate approved by the Board shall be entitled to the holidays and other benefits specified in this Order.


## 12 Revocation

The Agricultural Wages Board Order 2015<sup>4</sup> is revoked.

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<sup>4</sup> SD No. 2015/0390

**MADE 1<sup>ST</sup> DECEMBER 2016**



*Chairman: M J S Gaffney*



*Secretary: G N Davison*

**AGRICULTURAL WAGES BOARD**

*EXPLANATORY NOTE**(This note is not part of the Order)*

Within this Order, the Agricultural Wages Board fixes the minimum rates of wages and holidays for agricultural (including horticultural) workers.

The Order fixes wage rates for:

Full-time workers (article 4)

Hours worked in excess of 37 per week (article 5)

Regular part-time workers (article 6)

Casual workers (article 7)

The Order also provides for a work pattern allowing for 1 day off per week (article 8) and for holidays (articles 9, 10 and 11).

In applying rates set by the Board, employers must ensure that they comply with rates set under the Minimum Wages Act 2001 by which rates set by the Board may be superseded from time to time.