



Llywodraeth Cymru
Welsh Government

CYHOEDDIAD

Cyfarfod y Panel Cyngtori ar Amaethyddiaeth: 7 Hydref

Cofnodion y cyfarfod a gynhaliwyd mewn fformat "hybrid".
Rhai yn mynychu'n bersonol ar faes y Sioe Frenhinol ac eraill
fwy neu lai dros Microsoft Teams.

Cyhoeddwyd gyntaf: 7 Hydref 2021

Diweddarwyd ddiwethaf: 7 Hydref 2021

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Cynnwys

Present

Item 1 – Introduction

Item 2 – Chairs Update

Item 3 – Approval of Minutes from AAP 29

Item 4 – Update on 2021 Order

Item 5 - Review of Other Clauses in 2022 Order

Item 6 - Terms of Reference for Skills Development and Training Sub-Committee

Item 7 - Correspondence from Gary Swaine

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Present

Chair – Dr Nerys Llewelyn Jones

Independent - Steve Hughson

Unite – Brian Troake, Ivan Monckton

FUW – Darren Williams

NFU Cymru – Will Prichard

Panel Legal Adviser - Helen Snow

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

Apologies

Janatha Stout (Independent)

Item 1 – Introduction

The Chair welcomed everyone to the meeting. Apologies had been received from Janatha Stout.

Item 2 – Chairs Update

This will be given when discussing the update on the 2021 Order.

Item 3 – Approval of Minutes from AAP 29

One amendment was suggested regarding the wording of Item 5

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ACTION POINT 1 – Ryan Davies to amend the minutes and distribute to all Panel Members for approval.

Item 4 – Update on 2021 Order

Consultation Document

The consultation document is being finalised to get ready to publish on the online system. It will be a four week consultation.

Welsh Government Legal Services have agreed to the policy in principle however if the Panel could provide any information that older workers will not be disadvantaged this would be most helpful.

It was stated the new grading structure showed parallel routes for progression – with either qualifications or experience being taken into account. It was agreed this would be stated clearly when the draft Order was re-submitted to the Welsh Government after the consultation period.

After comments from Qualifications Wales it was agreed by the Panel the wording regarding the terminology of a Grade A worker needs to be amended to ensure it is consistent with the definition of the other grades. This does not change the Panel's proposals in any way.

ACTION POINT 2 – Helen Snow to make amendments to the definition of a Grade A worker in the consultation document to ensure consistency with the definitions of other grades.

The Chair has liaised with Farming Connect regarding hosting a webinar before

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the end of October 2021. This will be on the subject of the law regarding agricultural workers in Wales, the Agricultural Wages Order, the workings of the Panel and the consultation.

ACTION POINT 3 – Details of webinar to be distributed to all Panel members once confirmed.

The Panel discussed whether an advert regarding the consultation could be placed in the farming press. Alternatively, publish a Press Release or send an Editorial to the farming press.

Other suggestions include publicity from NFU / FUW / Unite via social media or through email newsletters.

ACTION POINT 4 – Ryan Davies to send finalised consultation document to all Panel Members for approval before publishing.

ACTION POINT 5 – Ryan Davies to investigate a Press Release being published in the farming press regarding the consultation document.

A business case has been prepared with regards to asking for retrospective provisions within the Order. The Minister is meeting with the Counsel General next week – it was suggested the business case is submitted prior to the meeting.

Item 5 - Review of Other Clauses in 2022 Order

The Panel held a discussion on the articles in the Agricultural Wages Order.

Article 2 – There are difficulties around changing the definition as it is taken from the Agricultural Sector Wales Act 2014 and the Agricultural Advisory Panel for Wales (Establishment) Order 2016. However, there was a general consensus

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the definition of agriculture as stated was not fit for purpose. It was agreed it was right for the Panel to raise concerns to the Welsh Government around the definition.

ACTION POINT 6 – The Panel to invite someone to discuss the definitions of agriculture at a future meeting

Article 13 – No amendments were needed to the article however it was stated the definition of overtime in Article 2 was not as clear as it could be. It is important to ensure the Order does not prohibit the flexibility often required in agricultural work and it is not possible to factor in all possible scenarios – local arrangements can be agreed upon to suit both parties. The Panel agreed this was something that would be looked at in the future but would be untouched for now.

Article 16(3) – it was stated that prior to the abolition of the Agricultural Wages Board for England and Wales in 2013 the Accommodation Offset Allowance rate for “other accommodation” tracked the National Living Wage rate. The rate is still at the 2012 rate of £4.82 per day. The Panel were in agreement that the rate was part of the overall negotiations package which involved concessions by both employers and employees and it was agreed to keep the rate at the current level.

Article 29 – there are three types of rest breaks stated in the Working Time Directive: Rest Breaks at Work, Daily Rest and Weekly Rest. At present only one of these is stated in Article 29 of the Order. It was stated that either all the rest breaks should be included in the Order or none of them as they are already part of UK Law.

The Panel agreed that, for clarification purposes, all three rest breaks should be included in the Order.

ACTION POINT 7 – Article 29 to be amended in the 2022 Order to include all

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three rest breaks as stated within the Working Time Directive.

The Panel agreed the other Articles did not require amendment in 2022 although, as always, could be discussed in negotiations for future Orders.

Item 6 - Terms of Reference for Skills Development and Training Sub-Committee

A document containing amended Terms of Reference had been circulated to Panel members taking into consideration previous discussions held by the Panel on this subject.

It was felt there should be student representatives on the sub-committee – people who are involved and actively taking part in the system. There was also a suggestion the Regional Learning Skills Development Partnership and Welsh Government Skills Policy were included as there was likely to be some cross-cutting areas of work. Care also needs to be taken that the sub-committee remains balanced and diverse so the views of both employers and agricultural workers are taken into account.

ACTION POINT 8 – Nerys Llewelyn Jones to investigate bringing students on to the Skills Development & training sub-committee.

ACTION POINT 9 – Nerys Llewelyn Jones to redraft the Terms of Reference document and distribute to all Panel members.

Item 7 - Correspondence from Gary Swaine

The Panel were of the view that this is not something the Panel should be

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involved in as it is something the Welsh Government should be considering. It is not for the Panel to consider legal decisions or provide legal advice.

ACTION POINT 10 – Nerys Llewelyn Jones will issue a response on behalf of the Panel to Mr Swaine.

No members of the Panel had any other business.

Members will be asked for their availability to attend a meeting in November after the consultation period has ended.

ACTION POINT 11 – AAP Secretariat will send a Doodle Poll to members for availability on w/c 8th & w/c 22nd November

The next meeting will be virtual and the following one on a hybrid basis.

Efallai na fydd y ddogfen hon yn hollol hygyrch.

Drlllenwch ein [datganiad hygyrchedd](#) i gael rhagor o wybodaeth.

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