

Response ID ANON-PC4E-C9E2-Y

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

Submitted on 2021-07-08 11:35:25

Introduction

What is your name?

Name:

Aidan Campbell

What is your email address?

Email:

aidan@ruralcommunitynetwork.org

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: