STORMONT
HANDS OFF OUR FARM WORKERS
DEFEND & EXPAND THE AWB

LET’S PROTECT FARM AND AGRICULTURAL FIELD WORKERS!

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STORMONT’S THREAT TO ABOLISH THE AWB

On 20th January 2021, DAERA Minister Poots made public his intention to abolish the Agricultural Wages Board (AWB) in Northern Ireland.

This is not the first time the AWB has been earmarked for abolition – the last time was in the early to mid-2000s when a proposal to abolish by the then Sinn Fein Agriculture Minister, Michelle Gildernew, was reversed in 2008. The AWB in England and Wales was abolished by the Tories but the same day the Welsh Parliament established an Agricultural Wages Panel to continue the role. The Agricultural Wages Board continues in Scotland. The AWB was included in a list of ‘arms-length bodies’ which were identified for ‘review’ by a series of tests the Executive as part of the New Decade, New Approach agreement of December 2019. However, it should be noted that Minister Poots has not proceeded to give effect to other NDNA commitments, for example the establishment of an independent Environmental Protection Agency.

Any decision to abolish the AWB will need to be agreed at Executive level as it is clearly cross-cutting and controversial.

Unite believes that the plans to abolish the AWB fail to meet the tests set out by the Executive for its review. 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 AWB benefits thousands of horticultural field workers

WHAT IS THE AWB?

The Agricultural Wages Board in Northern Ireland was established as a result of the Agricultural Wages (Regulation) (Northern Ireland) Order passed by Westminster in 1977. Under the legislation, 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.
Minimum wage legislation in Britain can be traced back to Winston Churchill’s Trade Boards Act 1909. As the then President of the Board of Trade, Churchill argued for the need for a living wage in industries where the bargaining strength of employers greatly outweighed that of employees.

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.

The 1977 Order followed a 1956 Act and previous to that on in 1939. Both of these were passed by the NI Assembly of the day (and which both remain partially in force e.g. in relation to holiday entitlement).

The legislation gives the AWB powers to determine:

- Wages;
- 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.

### HISTORY OF THE AWB

As early as 1909, even Winston Churchill was arguing for a living wage for farm workers.

### HOW MANY AGRICULTURAL FIELD AND FARM WORKERS BENEFIT?

The latest Agricultural statistics (2019) show that a total of 11,910 workers are employed in the agricultural sector. 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. These figures are based on the farm census and will not include workers employed by agricultural business employers who are not registered as farms.

As indicated in the table below, 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 (and indeed employers) at very small or small farms:

<table>
<thead>
<tr>
<th>Status</th>
<th>Very Small</th>
<th>Small</th>
<th>Medium</th>
<th>Large</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full-time</td>
<td>823</td>
<td>385</td>
<td>319</td>
<td>1,903</td>
<td>3,430</td>
</tr>
<tr>
<td>Part-time</td>
<td>2,506</td>
<td>760</td>
<td>401</td>
<td>786</td>
<td>4,453</td>
</tr>
<tr>
<td>P Casual/ Season</td>
<td>1,853</td>
<td>693</td>
<td>431</td>
<td>1,050</td>
<td>4,027</td>
</tr>
<tr>
<td>Total</td>
<td>5,182</td>
<td>1,838</td>
<td>1,151</td>
<td>3,739</td>
<td>11,910</td>
</tr>
</tbody>
</table>

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THE CASE FOR THE AWB

The abolition of the last collective bargaining mechanism for the private sector in Northern Ireland opens the door to a post-Brexit race-to-the-bottom on workers’ (and farmers’) pay and conditions.

Agricultural field workers are often subject to the most oppressive conditions of employment. In 2020 there was general revulsion after Keelings, a major producer based in the Republic of Ireland, flew in workers to pick fruit and vegetables in the middle of the pandemic lockdown.

Trafficking of agricultural field workers in Northern Ireland is widely reported. Modern day slavery is also a major problem in Northern Ireland – 59 slaves, many women and children, were rescued in Northern Ireland – many of whom were found on farms. In 2015 a raid on a farm near Newtownabbey released 16 slaves.

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 Gangmasters Commission, the AWB plays a vital role in addressing potential exploitation of vulnerable migrant workers – it’s abolition will signal the green light to these criminal practices.

For all these reasons it can be very difficult for agricultural workers to organise to win decent pay increases or defend themselves through collective organisation – they need the additional protection provided by the AWB.

FARM LABOUR, TRAFFICKING AND MODERN-DAY SLAVERY

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Given the prevalence of migrant workers and women 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.
The experience in England since the abolition of the AWB there has confirmed Unite’s warnings: agricultural field workers and those working on farms whose pay increases were not dependent on the national minimum wage had wage increases which fell behind the average. Rates for overtime and other premiums have simply disappeared. Workers have borne the brunt of the impact of the abolition of the AWB in England. The same will happen in Northern Ireland unless this decision is reversed.

Incomes – last year through the AWB, Unite 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. The experience in England since the Tories abolished their AWB is that without this protection, farm workers’ pay falls back year after year.

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, sickness or injury.

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 but on farms 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. The standard working week is set by the AWB at 39 with additional hours paid as overtime.

Apprentices’ pay – the AWB sets rates of pay for apprentices aged 16-20 which are significantly higher than the minimum wage. This 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.

Sick pay – the AWB plays a vital role in guaranteeing above average sick pay meaning farm workers do not have to rely exclusively on statutory sick pay. 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.

Paid bereavement leave – agricultural field and farm workers are the only workers currently to have an automatic right to paid bereavement leave of any sort in Northern Ireland. Other AWBs have in Scotland and Wales have even further provisions. These are vital for migrant workers who suffer a bereavement and need to travel home.
PROTECTING SMALL FARMERS AND FARM FAMILIES

The Ulster Farmers’ Union, of which Agriculture Minister Poots is a member, 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 unnecessary red tape and bureaucracy but for many smaller farmers that is simply not true.

The abolition of the AWB will leave smaller farmers with the responsibility of negotiating directly pay with farm workers. The existence of common and agreed rates across the board avoids the need for small-scale farmers having to enter annual negotiations and actually reduces red tape at farm level. For this very reason, the Farmers’ Union opposed the removal of the AWB in Wales.

The UFU also don’t seem 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.

PROTECTING AGRICULTURE POST-BREXIT

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.

Instead of abolishing it, the AWB’s role should be expanded to include agri-food processing workers. This would provide a floor for incomes for workers across the sector and help make a huge contribution to addressing the labour shortages faced by producers post-Brexit. 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.

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.
The following table provides the current wage rates (2020-2021) set by AWB in all three jurisdictions.

<table>
<thead>
<tr>
<th>Grade</th>
<th>Wales (£ per hour)</th>
<th>Scotland (£ per hour)</th>
<th>Northern Ireland (£ per hour)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade 1 (16-20)</td>
<td>7.84</td>
<td>8.20*</td>
<td>6.88</td>
</tr>
<tr>
<td>Grade 1 (21-24)</td>
<td>8.20*</td>
<td>8.20*</td>
<td>8.20*</td>
</tr>
<tr>
<td>Grade 1 (25+)</td>
<td>8.72*</td>
<td>8.72*</td>
<td>8.72*</td>
</tr>
<tr>
<td>Grade 2 Standard Worker</td>
<td>8.72*</td>
<td>8.72*</td>
<td>8.72*</td>
</tr>
<tr>
<td>Grade 3 Lead Worker</td>
<td>8.86</td>
<td>8.72*</td>
<td>8.82</td>
</tr>
<tr>
<td>Grade 4 Craft</td>
<td>9.53</td>
<td></td>
<td>9.49</td>
</tr>
<tr>
<td>Grade 5 Supervisory</td>
<td>10.06</td>
<td></td>
<td>9.99</td>
</tr>
<tr>
<td>Grade 6 Farm Management</td>
<td>10.83</td>
<td></td>
<td>10.84</td>
</tr>
<tr>
<td>Year 1 Apprentice</td>
<td>4.15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 2 Apprentice (16-17)</td>
<td>4.55*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 2 Apprentice (18-20)</td>
<td>6.45*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 2 Apprentice (21-24)</td>
<td>8.20*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 2 Apprentice (25+)</td>
<td>8.72*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* denotes that the rate defined by the AWB is superseded by that provided by the national minimum.

The Scottish AWB requires pay at the rate of the National Minimum Wage plus 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.

All three AWBs set overtime at 1.5 times the standard rate based on a 39 hour working week. The Welsh AWB provides for an additional 'on call' allowance of 2 times the standard rate; it also sets a night work allowance of £1.55 per hour. The Scottish AWB requires a minimum 2 hour ‘standby’ payment for workers on call.

The AWBs guarantee agricultural workers entitlement to bereavement leave which despite recent moves to introduce parental bereavement leave is not general. In February 2020, Westminster voted rights to bereavement of up to £148 per week for two weeks for the death of a child. The Scottish AWB guarantees 3 days at full pay – extending to cover parents, spouses or partners. The Welsh Agricultural Wages Order (2019) provides for four days paid leave for a child, parent, spouse or partner and two for sibling, grandparent or grandchild. The NI Economy Department has indicated its intent to introduce parental bereavement leave and has recently completed a consultation on this last Summer but there is no broader right to bereavement leave.

Scottish AWB limits deductions for accommodation to £8.36 a day while the NI AWB limits deductions for accommodation at a flat rate of £34 a week (or £1.50 per week if the worker was employed prior to 2009). In case of Wales, deductions of £1.50 per week for accommodation and £4.82 for other accommodation are allowed (provided the worker has worked more than 15 hours).

Northern Ireland AWB specifies that agriculture workers must receive half sick pay plus SSP after three days of sickness absence up to a maximum of 60 days in a year. In Wales, full sick leave is provided, dependent on duration worked, of up to a maximum of 26 weeks when more than six years have been worked. The Scottish AWB has a similar provision extending to 65 days a year – except this is at the full rate. In all cases, eligibility is restricted to those having worked for more than 52 weeks with an employer.

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 protection of 20 minutes every six hours.

www.unitetheunion.org
HELP PROTECT VULNERABLE AGRICULTURAL FIELD AND FARM WORKERS!

You have an important role to play in our campaign to save our Agricultural Wages Board!

You can help force the politicians to reverse this decision! You can help protect vulnerable farm workers!

Visit our campaign website and demand your MLA come out fighting to defend vulnerable and exploited farm and agricultural field workers!

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https://unitetheunion.org/campaigns/Stormont-hands-off-our-farm-workers

100 Years Ago

Increasing labourers’ wages will be an incentive for idleness

THE Enniskillen branch of the Ulster Farmers’ Union, which is composed of about 200 members, passed a resolution on Tuesday protesting against the action of the Agricultural Wages Board in proposing to increase the wages of labourers by two shillings per week.

The resolution declared that the Board had caused unemployment, stopped all improvement to land and that no drainage is now carried out and few houses built or improved.

“We think,” it proceeded, “it would be greatly to the benefit of the country – (especially the poor class workers – if the Wages Board was abolished, and let supply and demand settle the wages question.

‘A blight on the country’

“The Wages Board is not wanted, it is a blight on the country, it encourages idleness and stops thrift.

“Should the Board persist in their proposal now advertised, we will withdraw our representation from the District Wages Committee.”

Mr. Ben Maguire said all the District Wage Committees unanimously agreed that the wages should not be altered but the Board proposed to increase them without giving any reason for so doing.

Mr H.A. Burke D.L., referred to falling prices and said oats were nearly 1s a stone below the controlled price, flax was unsaleable, and that day he was offered £4 a ton for potatoes.

The Chairman [Mr W.H. West, J.P.] said the prices for farm produce were very bad at present. It was the labourers who would suffer, as they would get no employment. Farmer would refuse to keep labourers.

There would consequently be no tillage and nothing in the country after some time except bullocks.

He had never before seen as many men walking about idle in the country. If they advertised for a man, they would get 20 applicants for the job.