

Agricultural Wages Guide: what's new on the pages

On 1st April every year, the order and guidance notes on Agricultural Wages in Scotland are updated. However, this year, changes to general employment law, resulted in some more significant updates being required to the guidance for employers. It is vitally important that businesses with staff make sure they are aware of the changes and that the pay rates and other policies they have in place are in line with the order.

- **Minimum hourly rates, the dog allowance and the daily rate for accommodation other than a house provided by the employer, for example static caravans, all increased as of 1st April 2020.**
- **The period used to calculate holiday pay for workers whose pay varies with the amount of work done in a normal working week changed from 12 weeks to 52 weeks.**
- **Employees beginning their employment after 16th April 2020 must be given a written statement of terms and conditions on or before the first day of work.**

The minimum hourly rate for agricultural workers increases slightly each year. The rates as of 1st April 2020 are shown below.

Employee Classifications	Minimum Hourly Rate from 1st April 2020
All ages of worker	£8.72
Workers with certain qualifications	£10.01
Apprentices	£5.46 for 18 months

Workers who hold a qualification in agriculture or production horticulture at Level 3 (SCQF 6/7) or above are entitled to a £1.29/hour top up to the minimum rate of £8.72. SCQF 6 qualifications include Modern Apprenticeship Certificates and National Certificates (NC) while a Higher National Certificate (HNC) classes as a SCQF 7.

Therefore, these qualifications and others at a higher level such as diplomas or degrees all entitle employees to the higher rate of pay.

Workers who hold a Certificate of Acquired Experience are also entitled to this top up. Applications for this qualification closed on 31 December 1997, although the certificate remains valid beyond that date.



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The dog allowance increased to £6.43/week. It is mandatory to make this payment up to a maximum of 4 dogs if a worker needs to keep and feed a dog (or dogs) to effectively do their job.

From 1st April 2020, any deduction an employer makes from a wage in respect of accommodation other than a house shall not exceed £8.20/day. Accommodation that would qualify would be caravans or static homes, but the deduction must only be made for each day in the week that living accommodation is provided.

As a result of the review of Modern Working Practices in 2018, the Employment Rights Regulations 2018 have been updated to increase the reference period used when calculating holiday pay from 12 weeks to 52 weeks. For agricultural employers, this means that when calculating holiday pay for a worker whose pay varies with the amount of work done in normal working hours; you must use the average hourly rate from the previous 52 weeks to determine what they are due in holiday pay. For a worker who works the same hours every week and the pay for work done in those hours does not vary, this would not apply as their pay for a normal working week does not fluctuate.

However, this rule is in place to ensure that workers who do not have a regular working pattern throughout the year are not disadvantaged by having to take their holiday at a quieter period in the year when their weekly pay might be lower.

Prior to April 2020, employers had 2 months from the commencement of employment to give workers a written statement of the particulars of their employment. However,

that is no longer the case and for workers who begin their employment on or after 16th April 2020, they should be provided with a written statement of terms and conditions on or before their first day of work. There are exceptions for terms relating to pensions, training entitlement and disciplinary and grievance procedures which must be given no later than 2 months after their employment started.

Top tips

1. **Check that the pay of all employees is meeting the new minimum hourly rate as of 1st April 2020.**
2. **Check the level of qualifications workers have and if necessary, ensure you pay the top-up rate. If you are unsure what SCQF level a qualification is, type the qualification followed by 'SQA' into a search engine and you should be able to find out.**
3. **Ensure that the reference period being used for holiday pay calculations for workers whose pay varies with the amount of work done in a working week is 52 weeks.**
4. **Ensure that all workers have contracts in place. As much to protect yourself as an employer. A template from the Wages Board can be found here: <https://www.gov.scot/publications/scottish-agricultural-wages-board-statement-of-particulars-of-employment/>**
5. **Ensure going forward that all new employees have their contract on or before the first day of employment.**



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