

Government Response: The Agricultural Wages (No.2) (Wales) Order 2022

Response to Reporting Points

Technical Scrutiny

Point 1: Standing Order 21.2(iv) - that it appears to have retrospective effect where the authorising enactment does not give express authority for this

Welsh Government is not aware of any issues or unfairness the retrospective application of the Order has caused in practice for agricultural workers or their employers.

Welsh Government and the Panel agree that the 2023 Order must be made in a timely manner and without retrospective effect. The 2022 (No.2) Order was made later than the usual coming into force date of 1 April due to the delay in making the 2022 Order. It is not anticipated that the delayed making of the 2022 (No.2) Order will delay the making of the 2023 Order.

The next Panel meetings take place on 5 and 6 September 2022, where the draft 2023 Order will be negotiated and agreed prior to consultation with stakeholders. Policy officials have drafted a timetable setting out key milestones and deliverables for the Panel's agreement which will ensure the 2023 Order is made by 1 April 2023, as intended by the Panel.

Point 2: Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation

Welsh Government has checked the link to the frameworks library and the link is working. It is clear from the frameworks library which frameworks are published by Lantra and the issue date of each of those frameworks.

*The definition of 'apprenticeship framework' is "any of the **current** apprenticeship frameworks for the agricultural sector in Wales published by Lantra, or previous versions of the apprenticeship frameworks for the agricultural sector in Wales published by Lantra". Welsh Government considers that the use of the word 'current' makes it clear that it is those apprenticeship frameworks which have been issued before the date the Order comes into force that are taken into account.*

Point 3: Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation

Article 10 has been included in the Agricultural Wages Order since 2016. It is included to ensure that agricultural employees maintain documentary evidence of qualifications and experience gained by them in order for them to be able to demonstrate to their employer that they have the necessary qualifications and experience to be employed at a particular grade. Welsh Government would not propose to enforce this provision. It is simply the case that if employees do not comply with article 10 and do not maintain documentary evidence of qualifications and experience, they may not be able to

demonstrate to their employer that they have the necessary qualifications and experience to be employed at a particular grade.

Merits Scrutiny

Point 4: Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

A Children's Rights Impact Assessment was carried out in relation to the Order and it was contained within the Integrated Impact Assessment. No particular consideration was given to articles 29, 30 and 31, as these articles reflect the existing provisions relating to rest periods which are contained within the Working Time Regulations 1998, and which therefore already apply to agricultural employees in Wales.