

MISCELLANEOUS AGRICULTURAL REGULATION

Employment

Employees must be paid the agricultural minimum wage and employers must comply with rules relating to their terms and conditions.

The minimum rate of pay will depend on the grade and type of employee, eg apprentice, trainee. Employees are categorised by their contract of employment, hours worked, qualifications, responsibilities and other factors.

Employees may be entitled to certain payments according to their grade and category. In addition to the standard rate, employees could be entitled to other payments including overtime pay, pay for holiday and other types of leave and an allowance for being on stand-by.

Employees on piece rates must not be paid less than the appropriate minimum wage for the hours worked. If the national minimum wage (NMW) exceeds the minimum wage for agriculture the NMW level must be met. In the case of employees provided with accommodation, this can be counted as part-payment of the employee's wages. Certain deductions may be made for the provision of accommodation.

Rest breaks must be provided to employees. Employees must get annual holidays. The annual holiday entitlement depends on the amount of days an employee works each week.

Employees may also be entitled to agricultural wages sick pay (AWSP). The number of weeks AWSP must be paid depends on the employee's length of service.

Health and safety

Children under the age of 13 may not drive any tractor, self-propelled vehicle or machine in an agricultural operation, including travel to and from site. They may not ride on tractors or any other farm vehicle that is powered by an engine or animals. Children can only be carried on trailers if they are on the trailer floor, or any load carried on it, and there are proper safeguards to prevent the child from falling.

Tractors must be fitted with an approved safety cab. Tractors must have either European Community (EC) Type Approval or Health & Safety Executive (HSE) Cab Approval.

Tractor drivers must report to their employers any of the following:

- overturning incidents
- damage to the safety cab or the fittings that secure it to the tractor
- faults with the windscreen wiper

Damage from animals

A farmer who keeps animals (including cattle, sheep, pigs, goats, deer, dogs and horses) is:

- **strictly liable** for injuries and damage caused by his animals even where it is not his fault (unless it can be proven that the person suffering the damage was entirely at fault)
- liable for injury or damage caused by your animals straying onto a highway - there are exceptions to this, eg if the land from which they strayed is unfenced common land

Landowners have the right to detain and, in some circumstances, sell animals if they trespass on land. A keeper of a dog is liable for damage caused to livestock.

This Guide is intended as an overview and broad outline of the matters covered in it. Its purpose is to inform and raise awareness. We are happy to offer specific legal advice on particular circumstances.

This Guide should not be relied on as a substitute for comprehensive legal advice with reference to the particular circumstances.

While we have taken due care in the preparation of this publication, we do not accept legal liability as a result of any reliance placed on anything in this Guide. The reader should rely only on specific legal or taxation advice.