



DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS
WELSH ASSEMBLY GOVERNMENT

Report on Wages in Agriculture

1 January to 31 December 2009



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Presented to Parliament pursuant to section 13 of the
Agricultural Wages Act 1948

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This publication is also available on <http://www.official-documents.gov.uk/>

ISBN: 978010851 0397

Printed in the UK for The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office

ID 2419447 04/11

Printed on paper containing 75% recycled fibre content minimum.

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Introduction

This Report is presented jointly by the Secretary of State for Environment, Food and Rural Affairs and the Welsh Assembly Government.

During the period under review, responsibility for the Agricultural Wages Board for England and Wales was shared jointly by the Secretary of State for Environment, Food and Rural Affairs and the Welsh Assembly Government, except for the expenses of the Board which remained the responsibility of the Secretary of State. Responsibility for Agricultural Wages Committees rested with the Secretary of State in England and the Welsh Assembly Government in Wales.

This Report also covers the work of the Agricultural Dwelling House Advisory Committees (ADHACs). ADHACs give advice to local housing authorities when a farmer applies to the authority, requesting it to re-house an agricultural worker (or former worker) so that the cottage in which he or she lives can be made available for a new farm worker. The ADHAC considers the agricultural case and how quickly the farmer needs the cottage for the new worker.

**REPORT OF THE PROCEEDINGS UNDER THE AGRICULTURAL WAGES ACT 1948
FOR THE PERIOD 1 JANUARY – 31 DECEMBER 2009**

**PART I
REPORT OF THE AGRICULTURAL WAGES BOARD FOR ENGLAND AND WALES**

The main responsibility of the Agricultural Wages Board under the Agricultural Wages Act 1948 is to fix the minimum rates of wages, holiday entitlement and other minimum terms and conditions of employment for workers employed in agriculture in England and Wales. The Board has certain duties to ensure that the rates of pay it sets are no lower than the National Minimum Wage.

The Chairman's report of the Agricultural Wages Board proceedings during 2009 is set out in paragraphs 1 to 58 below.

Meetings

1. The Board met on five days during 2009 to consider wages and other minimum terms and conditions of employment for agricultural workers.

Reports of the Working Parties set up in 2008

2. The Board met in April 2009 to consider the report of the Grade and Structure Working Party which had been established at the end of the 2008 negotiations. It agreed the following recommendations as proposals for consultation:

- (i) that the Board give notice of its intention that in 2010 the provisions in sub-section 2.9A of the 2008 Order be removed;
- (ii) that the categories of Full-Time Flexible Worker and Part-Time Flexible Worker be deleted from the 2009 Order;
- (iii) that transitional provisions be inserted in the 2009 Order to protect existing Flexible Worker agreements; and
- (iv) that Voluntary Overtime be re-named Other Overtime wherever it occurred in the Order.

3. The Board also discussed the matters which the Qualifications Sub-Group had considered during the year, namely the role of Team Leader. The Sub-Group had made a series of recommendations which had subsequently been incorporated into the report of the Grade and Structure Working Party. The Board agreed that payment during the Grade 3 probationary period for Team Leaders should be paid at the Grade 3 rate. It also discussed transferability of competences and the mechanism for doing so and the possible inclusion of the Leonardo Programme and the new Diploma for 14-19 year olds in the Agricultural Wages Order. It agreed that these matters could be resolved at the annual negotiations in June.

2009 Wage Review

4. In May 2009 the Workers' Side gave notice of their claim for:

- (a) a fair and substantial pay increase that closed the historic gap in pay between agriculture and other sectors of the economy which would build on past achievements;
- (b) a pension scheme for the sectors covered by the Agricultural Wages Order;
- (c) an increase in the holiday entitlement by one day (Standard AWO days increased by one day);
- (d) premium rate of double time on Sundays (or second day of rest) and Bank holidays; and
- (e) a substantial rise in the birth or adoption grant for each child.

5. In May 2009 the Employers' Side responded. They proposed an increase of 1.05% for Grade 1 and an increase of 1% for all other grades.

6. A package of statistical information, prepared by the Department for Environment, Food and Rural Affairs had been circulated to Board Members in April.

7. Copies of the Workers' Side Claim and the Employers' Side Response were circulated to Board Members in May.

The Negotiations

8. The Board met on 15, 16, and 17 June for the annual negotiations. Before the formal negotiations began the Board considered the inclusion of various training schemes in the Agricultural Wages Order. The Workers' Side informed Members that both Schemes had been the subject of bilateral discussion and the two Sides had come to an agreement. It was content for work under the Leonardo Programme, the Student Worker Education Programme (SWEP) and the 14-19 Diploma to be excluded from the Order with the proviso that any work carried out by participants outside their Programmes would be paid at the requisite AWO overtime rates. They wished sub-section 6.4 of the Order to contain provisions to that effect.

9. The Workers' Side also informed the Members that they had accepted the mechanism of an employer's certificate as the means whereby the non-accredited competences would be awarded. However, they requested that a report be presented to the Board in a year's time setting out the number of people who had received the certificate. In addition the competences should be transferable and, once awarded, should be recognised as formal qualifications.

10. The Workers' Side then proceeded to set out the details of their Claim. They noted that the Board had an excellent opportunity to address the problem of low incomes and rural poverty. The gap between the pay of agricultural workers and those in the wider economy had continued to widen. Although the new career structure was in operation it had not actually delivered progress for agricultural workers with the consequence that £8m had been saved due to the lack of progression of workers into Grade 3. Over 50% of workers in the industry were at Grade 2 level. Farm incomes had increased by 42% but that increase had not been reflected in the incomes of workers. Although inflation had generally been low farm workers faced high price rises for essential commodities. The reality for farm workers was that two-thirds of them paid their own Council Tax and two-thirds either did not have a pension or paid their own pension. Unlike the rest of the economy farming had not experienced the effects of the recession and the time had now arrived whereby a significant pay increase was affordable by the industry.

11. Turning to the economic arguments the Workers' Side noted that while the economy as a whole was in recession the CBI had stated that it would end shortly and 2010 would see growth in the economy. Therefore the outlook for agriculture was likely to be even better. As far as Total Income From Farming (TIFF) was concerned it had risen by 69% in England and that for Wales had risen by 55%. Turning to the measures of inflation they observed that while the RPI was negative the prime factor was the decrease in mortgage rates which, by and large, did not affect agricultural workers. What did affect them were price increases for essential items, many of which, such as fuel and light, exceeded both the CPI and the RPI. They concluded their presentation by observing that it would be very welcome if the Board managed to encourage younger workers to enter the industry through better pay and better terms and conditions.

12. The Employers' Side responded. They began by acknowledging that 2008 had indeed been a good year for agriculture. However the outlook for 2009 remained uncertain. They expressed disappointment that the Workers' Side had not indicated the size of the increase they proposed but understood that a 5% increase for all grades was due to be proposed. If that was indeed the case then such an increase would be wholly unacceptable.

13. Outlining the economic arguments the Employers' Side noted that the farming industry had been largely immune from the recession but it did not follow that it would continue to be so. Sooner or later the global downturn would spawn an effect on the industry. Over the course of the year employment in agriculture had increased as indeed had farm incomes. However, it was irrelevant to focus on the past as a guide to future wage rates which would apply from 1 October 2009. It was more logical to take account of what was likely to happen rather than what had happened. As far as 2009 was concerned the outlook remained uncertain. Firstly, any improvement in the value of sterling would have a negative impact on farm incomes. Secondly, there could be a reduction in the purchasing power of consumers which, in turn, would have an impact on the industry. Thirdly, there was the possibility of an increase in input prices. As far as farm incomes were concerned, TIFF was expected to fall in 2009. They ended their presentation by observing that while the UK economy was in the midst of the worst recession for a generation, farming represented one of the few bright spots amid the gloom. However, if it was to remain profitable and fight the

tide of rising rural employment moderation in wages was crucial.

14. Turning to the elements of the Workers' Side claim the Employers' Side did not consider that an increase in the Birth/Adoption Grant was the best use of any ability to pay within the industry. Nor did they consider it fair or equitable, particularly with regard to the horticultural sector to agree to double time for Sundays and Bank holidays. Nor did they agree that an additional day's holiday was justified. As far as pensions were concerned they were not prepared to agree to their inclusion in the Order before they knew the rules which would underpin the Government's pension scheme. Finally, they conceded that although their initial offer in response to the fair and substantial claim put forward by the Workers' Side might appear overly cautious they did not wish to constrain their room for manoeuvre.

15. The Workers' Side then proceeded to formally set out their claim. As a result of the bilateral negotiations they had arrived at a figure for a fair and substantial pay increase. That figure would be a 5% increase across all grades including Grade 1. For Grade 2 that would be £6.57 per hour. As far as the other elements of the claim were concerned they wished at that stage to retain the pension scheme as well as the additional day's holiday and double time for Sundays and Bank holidays. In addition, they wished to see an increase in the Birth/Adoption Grant.

16. The Independent Economist then gave his report. He began by noting that there had been a large reduction in GDP which had led to a marked increase in unemployment. He remarked on the difference between the RPI and CPI in the twelve months since the previous negotiations. The CPI included all consumers whereas the RPI was based very much on the generality of households in the economy. The latter excluded those on state benefits and those on the highest incomes. But the main difference was that the RPI included mortgage interest payments. There was also another index known as RPIX, currently 1.7%, which was a better indicator. As far as agriculture was concerned the increase in the level for TIFP in England was much higher than for the UK as a whole. However, he thought that the increase was somewhat overstated. He then turned to the Board and its effect on the industry. He had discovered that generally there had not been an increase in hourly earnings after the changes took effect. In fact they appeared to have fallen every year. He concluded his report by noting that the drop appeared to be due to low overtime in winter compared with summer.

17. The Defra statisticians then suggested that the Board might find it helpful if it was given some indicative costs of the opening offers. They stressed that such figures as were available were purely estimates based on the data received. The Workers' Side Claim came to an estimated £185m of which £106m was for the pension contributions. The Employers' Opening Offer came to an estimated £9m.

18. The meeting was then adjourned until the following day.

19. On the resumption of the meeting the Defra statisticians informed Members that the May figures for the RPI had risen slightly from -1.2 to -1.1 per cent. However, the CPI had decreased from 2.3 to 2.2 per cent. RPIX had gone down from 1.7% to 1.6%. They also informed Members that the estimate relating to the Workers' Side claim had been revised upwards from £185m to £196m.

20. The Workers' Side then put forward their claim for a 5% increase across all grades with the Grade 2 rate being set at £6.57 and others pro-rata. They also reiterated the demands for an extra day's holiday and an increase of £10 in the Birth/Adoption Grant. However, they had decided to remove the pension element from their claim. They suggested that a possible way forward might be to have a bilateral meeting with the Independent Members, their pension expert and one from the NFU to examine the means whereby a mechanism for implementing such a scheme could be set up. Similarly, they had decided to withdraw the claim for double time on Sundays and Bank holidays.

21. The Defra statisticians estimated that the cost of the revised claim had dropped to £86m. It was not possible to quantify the cost of the Birth/Adoption Grant.

22. The Employers' Side appreciated the clarity shown by the Workers' Side. They suggested that the meeting adjourn in order to reflect on what had been said.

23. On the resumption of the meeting the Employers' Side remarked that the biggest disappointment for them was that they could not see the logic of a 5% increase across all grades. The latest inflation figures did not lend substance to that claim. They noted that the Workers' Side had removed the pensions' element from their claim and they were

prepared to take part in the proposed bilateral discussions. As far as the extra day's holiday and the increase in the Birth/Adoption Grant were concerned they were not prepared to agree to either of those. However, as far as pay rates were concerned they wished to make an improved offer as follows:

- Grade 1 £5.80
- Grade 2 £6.34
- Grade 3 £6.97
- Grade 4 £7.48
- Grade 5 £7.93
- Grade 6 £8.56

That was equivalent to an increase of 1.3% for Grades 2 and above.

24. The Workers' Side responded. While the new offer failed to address their aspirations they wished to consider it and requested an adjournment. The Defra statisticians confirmed that the estimated indicative cost of the offer, including premiums, was £22m.

25. On the resumption of the meeting the Workers' Side indicated that they wished to make a revised claim as follows:

- Grade 1 £5.96
- Grade 2 £6.50
- Grade 3 £7.15
- Grade 4 £7.67
- Grade 5 £8.12
- Grade 6 £8.77

That was equivalent to an increase of 3.8% across all grades. The Defra statisticians confirmed that the estimated cost of the revised claim would be £66m. The Employers' Side indicated that they wished to discuss the offer before making any comments. The meeting then adjourned.

26. On the resumption of the meeting the Employers' Side responded to the revised claim. They began by noting the comments made by the Workers' Side with respect to Grade 1. They observed that Grade 1 had its own additional costs which were reflected in the Order. That had particular implications for the horticulture industry because anyone who worked with machinery or livestock automatically started at Grade 2. However, while they were not prepared to increase the Grade 1 rate beyond their initial offer, they were prepared to agree to the increase of £10 to the Birth/Adoption Grant. They added that they would like to enter a bilateral discussion to see if further progress could be made. The Workers' Side thanked them for agreeing to the increase in the Birth/Adoption Grant and accepted the offer of a bilateral discussion.

27. When the meeting reconvened the Employers' Side informed Members that they had listened very carefully to the arguments put forward by the Workers' Side and were prepared to offer the one penny addition to the NMW that was in the current Order, namely an hourly rate of £5.81 for Grade 1. They were also prepared to increase their previous offer to 1.6% across all grades as follows:

- Grade 1 £5.96
- Grade 2 £6.50
- Grade 3 £7.15
- Grade 4 £7.67
- Grade 5 £8.12
- Grade 6 £8.77

However, they were not prepared to make an offer of an extra day's holiday. The Defra statisticians confirmed that the estimated cost of the offer was £27m. The previously estimated cost of the Workers' Side offer had been revised upwards to £72m. That was to take account of an additional day's holiday.

28. The Workers' Side responded by noting that the gap between the two Sides was closing. They believed that the bilateral discussion had been valuable and thanked the Employers' Side for the opportunity to have one. They welcomed the movement of the Employers with respect to Grade 1 and they were prepared to make a further change to their claim as follows:

- Grade 1 £5.82
- Grade 2 £6.47
- Grade 3 £7.12
- Grade 4 £7.63
- Grade 5 £8.09
- Grade 6 £8.73

That was equivalent to an increase of 3.4% for Grades 2-6. They also maintained their position with regard to the extra day's holiday. The Defra statisticians indicated that the cost of the revised claim was £62m. The meeting then adjourned for the parties to reflect upon the respective positions.

29. On the resumption of the meeting the Chairman informed Members that as a result of discussions he had had with the Independent Members he thought it would be helpful if they had joint meetings with the respective Sides. However, before doing so he invited the Employers' Side to respond to the proposal made by the Workers' Side.

30. The Employers' Side began by noting the various elements in the offer put forward by the Workers' Side. They were not surprised that the additional day's holiday had been retained but they were still not minded to agree to it. Nor were they prepared to increase the Grade 1 rate to £5.82. However, they were prepared to make a further offer as follows:

- Grade 2 £6.37
- Grade 3 £7.01
- Grade 4 £7.52
- Grade 5 £7.96
- Grade 6 £8.60

That was equivalent to an increase of 1.8% for those grades. They added that they wished to recommend that the Apprentice rates should reflect the new National Minimum Wage rates, i.e. in the first year of an apprenticeship the rate would be £3.57 for all apprentices and in the second year of an apprenticeship the rate would be £3.57 for 16-18 year olds, £4.83 for 19-21 year olds, and £5.80 for those aged 22 and over. The Defra statisticians confirmed that the indicative costing of the Employers' offer was £30m.

31. In response to the offer the Workers' Side began by stating that they would reserve their position on the rates for Apprentices. They noted that both parties were moving slowly towards a common position. They had reflected on the previous offer made by the Employers and had revised their position. However, they wished to make it clear that the Grade 1 claim remained at £5.82. The remaining rates were as follows:

- Grade 2 £6.45
- Grade 3 £7.10
- Grade 4 £7.61
- Grade 5 £8.06
- Grade 6 £8.60

That was equivalent to an increase of 3% for grades 2-6. Because they were mindful of the need to maximise the low income which farm workers received they had removed the demand for an additional day's holiday. The Defra statisticians confirmed that the estimated cost of the revised offer was £50m. The meeting was then adjourned to discover if there was any further room for manoeuvre.

32. On the resumption of the meeting the Employers' Side indicated that they wished to make a further offer which mirrored previous offers inasmuch as it retained £5.81 for Grade 1. The figures for the remaining grades were as follows:

- Grade 2 £6.38
- Grade 3 £7.02
- Grade 4 £7.53
- Grade 5 £7.98
- Grade 6 £8.61

That was equivalent to an increase of 1.9%. The Defra statisticians confirmed that the estimated cost of the offer was £32m.

33. The Workers' Side expressed disappointment at the response from the Employers. However, they were prepared to make a further revision to their claim which they hoped the Board would accept. They stressed that it represented their final position and that once it was made that it should be put to the vote. Accordingly they set out the revised claim as follows:

- Grade 1 £5.82
- Grade 2 £6.42
- Grade 3 £7.06
- Grade 4 £7.58
- Grade 5 £8.03
- Grade 6 £8.67

That was equivalent to an increase of 2.47% for Grades 1-6. The increase in Grades 2-6 was 2.5%. As far as the apprenticeships were concerned they were prepared to accept the proposal by the Employers of the National Minimum Wage rates. They assumed that the increase in the Birth/Adoption Grant was part of the final package. The Defra statisticians confirmed that the estimated cost of the revised offer was £43m.

34. The Employers' Side responded. They remarked that while they had already made an offer they felt that they had not come to their final offer. They were, therefore, prepared to make an immediate response to the Workers' Side with an offer of 2.1% for Grades 2-6 (the Grade 1 offer remaining unchanged). They added that it represented their final offer. The details were as follows:

- Grade 2 £6.39
- Grade 3 £7.03
- Grade 4 £7.54
- Grade 5 £7.99
- Grade 6 £8.63

The Defra statisticians confirmed that the estimated cost of the revised offer was £35m which equated to a 2% increase. The Workers' Side indicated that they wished to adjourn to consider the revised offer.

35. When the meeting re-convened the Workers' Side responded by remarking that they were very disappointed with the lack of progress in the negotiations. They had made concessions on training and on the apprentice rates. They had removed those elements of the claim relating to pensions, premium rates for Sundays and Bank holidays, and the additional day's holiday. They had also made substantial concessions on the pay element of the claim but still had been unable to reach agreement. They were now prepared, but with the greatest reluctance, in the hope of taking matters forward to remove the extra penny from the Grade 1 rate. The new rate would now be £5.81. The remaining figures of their previous offer would remain unaltered. The Defra statisticians confirmed that the impact of the change on the overall estimated cost of the claim would be negligible.

36. The Employers' Side then responded. They began by stating that they had taken the negotiations very seriously. They welcomed the fact that the Workers' Side had withdrawn their claim for an additional day's holiday, since it was better to have increased levels of remuneration. As far as wage rates were concerned they were prepared to make a final offer of 2.2% which reflected the CPI rate. They did not propose any change to the Grade 1 rate of £5.81. The new rates were as follows:

- Grade 2 £6.40
- Grade 3 £7.04
- Grade 4 £7.55
- Grade 5 £8.00
- Grade 6 £8.64

They believed that the new offer recognized some of the base costs which had been discussed during the negotiations. The Defra statisticians confirmed that the estimated cost was £37m.

37. The Board then formally agreed the proposed increase of £10 on the Birth/Adoption Grant and the rates proposed for Apprentices.

38. The proposal by the Employers' Side was then put to the vote and carried by nine votes to six.

39. The meeting then adjourned to the following day to conclude the remaining business.

40. On the resumption of the meeting the Board agreed the various rates and allowances. It also agreed minor changes to the criteria for the Grade 3 Team Leader and to exclude people undertaking work experience under the Leonardo Programme or the 14-19 Diploma from the provisions of the Order.

41. The proposed changes to the 2008 Order were advertised in the farming press and representations were invited.

Confirmation of the proposals

42. The Board met again on 24 July 2009 to:

- consider the representations which had been received;
- decide whether to confirm the proposals;
- agree the text of the 2009 Order.

43. A total of eight representations had been received in response to the Board's proposal for a new Order. All were unanimous in objecting to the proposals. Four objected because they thought the proposed increase was too high and four objected because they thought it was too low. The Workers' Side observed that merely because only eight replies had been received that did not mean that the majority of agricultural workers were content with the proposals. Workers generally did not make representations but preferred to express themselves in different ways. The Employers' Side remarked that the letters reflected each Side's argument in some ways. Although they felt that the result of the negotiations was a tough one they also believed that it was fair.

44. The Workers' Side responded that the weekly increase before stoppages was £5.46 and would not cover the costs which were being imposed on workers in their day to day living expenses. Nor would it do anything to lower the average age of employment in the agricultural industry.

45. The Employers' Side replied that, on account of the fall in cereal prices, the arable sector together with the pig and dairy sectors was under extreme pressure.

46. The Board then voted by 8 votes to 4 to confirm the proposals.

47. The Board next examined the draft Order and agreed a number of minor amendments. The Order was then agreed *nem. con.*

48. The new Order, the Agricultural Wages Order 2009, took effect from 1 October 2009.

Agricultural Wages Board Working Parties set up in 2009

49. The Board agreed to establish a Working Party to review simplification of the Agricultural Wages Order. It also agreed to re-establish the Statistics and Qualifications Working Parties. They would remain in existence until the conclusion of the 2010 Wage Negotiations.

50. The Simplification Working Party met twice in 2009. At its first meeting it established a small sub-group to examine that section of the Order which dealt with agricultural sick pay. The sub-group also held two meetings during the year.

51. The Qualifications and Grade & Structure Working Parties each held two meetings in 2009.

52. The Statistics Working Party held one meeting in 2009.

Code of Best Practice and Code of Practice on Access to Information

53. The Code of Best Practice, Code on Access to Information and Publication Scheme continued in force in 2009. In accordance with the Code of Best Practice the Secretariat holds a register of all Independent Board Members' relevant interests. Copies of the register can be obtained from the AWB Secretariat at Area 8E, 9, Millbank, c/o 17, Smith Square, London SW1P 3JR.

Legal Adviser

54. Cumberland Ellis LLP acted as Legal Adviser to the Board throughout 2009.

Membership

55. Full details of the Board's membership for the year are at Appendix I. Further information on the Independent Membership of the Board can also be found on the Internet on www.defra.gov.uk.

Minimum Rates in 2009

56. Details of the minimum rates fixed by the Board which applied in 2009 are at Appendix II.

57. The list of Orders issued by the Board during the year is at Appendix III.

Board Expenditure April 2008 to March 2009

58. The Board incurred expenditure in the 2008/09 financial year for meeting costs, provision of legal advice, advertising expenses etc. of £170,835.41. The printing and distribution of the Order cost £35,346.37. Staff costs for the financial year were estimated to be £86,161. This gives overall expenditure of approximately £292,342.78.

PART II

ENFORCEMENT OF THE AGRICULTURAL WAGES ORDER: 1 OCTOBER 2009 TO 31 MARCH 2010

59. Since 1 April 1999 the National Minimum Wage enforcement procedures have been applied to the Agricultural Minimum Wage. From 18 May 2009 the Pay and Work Rights Helpline became the primary stage for those members of the public who had a query about the provisions of the Wages Order. The Agricultural Wages Team (AWT) which operates from Defra's office at Crewe remained responsible for dealing with queries about the Wages Order referred to it by the Helpline and for handling complaints. It also retained responsibility for handling enquiries and complaints from employers and workers in Wales.

60. When a complaint is received and it appears that the worker has been underpaid, AWT staff attempt to resolve matters by writing to, or in some cases telephoning, the employer and explaining the requirements of the legislation. The aim is to persuade the employer to pay the worker at the correct rate and to pay arrears. If the employer agrees to put matters right by a specific date and the AWT receives confirmation from the worker that this has been done and that he or she is content, the case is closed. If the employer refuses to co-operate or fails to pay the money, the case is passed to an Agricultural Wages Inspector (AWI) to investigate.

61. A visit from an AWI may be sufficient to prompt the employer to put matters right. Where this fails, an Enforcement Notice may be served. A schedule of arrears attached to the Notice shows the sum due to the worker for the hours worked, holiday taken etc. in each pay reference period and sets this against the sum received. The arrears due in each pay reference period are calculated and the total sum due is stated in the Enforcement Notice. (Where an Enforcement Notice relates to more than one worker a separate schedule is required for each worker.) An employer may appeal to an Employment Tribunal against an Enforcement Notice. Provided the Notice is upheld, the employer is required to pay the arrears due and, if he or she fails to do so, a Penalty Notice may be served.

62. The following table gives the number of calls and complaints received from 1 October 2009 to 31 March 2010 and information about cases closed and enforcement action taken. Figures for the five preceding years are given for comparison. Readers should note that the figures for 2007/2008 and 2008/2009 have been calculated on a different basis from those of the previous years, namely from 1 October to 30 September of the following year.

	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010
Calls to Helpline	5082	4780	3217	4965*	1671~	N/A
<i>Complaints carried forward</i>	36	59	11	21	169**	179**
Complaint forms received	88	64	70	235**	32	33
<i>Total number of cases open during year</i>	124	123	81	256	201	212
<i>Cases resolved; employer agreed to pay</i>	24	45	9	31	29	14
<i>Arrears recovered where employer agreed to pay</i>	£29,000	£93,248	£11,025	£85,614	£98,714	£27,616
Cases passed to AWIs	30	17	44	10	6	4
Enforcement Notices issued	4	10	8	4	4	1
Cases resulting in debt recovery action	4	3		1	0	
Employment Tribunal Appeals	4	3	3	2	4	1
Employment Tribunal hearings	1	3	0	1***	0	3****
Enforcement Notice upheld	1	3	0	0	0	3
Value of arrears in cases where Enforcement Notice has been served	£81,347	£69,711	£93,215.57	£94,822.36	£6,987.39	£65,000
<i>Cases closed because: insufficient information; no underpayment; complaint withdrawn; worker and employer resolved problems while case was on hold.</i>	41	20	4	8	8	8
<i>Complaints open at 31 March</i>	59	41	75#	33	179**	192**

* These figures do not include queries made to the Agriwages mailbox which average out at approximately 20+ per week.

** Includes 155 complaints against one employer.

*** Cases settled at the Tribunal Hearing without going through formal process.

**** Includes Tribunal Hearing adjourned from previous period.

~ Helpline transferred to the Pay and Work Rights Helpline with effect from 18 May 2009.

Complaints open as of 8 December 2006.

**REPORT OF THE PROCEEDINGS UNDER THE AGRICULTURAL WAGES ACT 1948
FOR THE PERIOD 1 JANUARY TO 31 DECEMBER 2009**

**PART III
AGRICULTURAL WAGES COMMITTEES (AWCS)**

63. In 2009 there were 15 AWCs in England and one covering Wales. The AWCs for Wales were abolished in 2007 and a single Committee was formed to cover the entire Principality. No members had been appointed by the end of the year. The groups of Counties and former Counties served by each Committee in England were based substantially on the former Regional Service Centre boundaries of the Ministry of Agriculture, Fisheries and Food. The Committees are constituted under Section 2 of the Agricultural Wages Act 1948. Section 5 of the Act, which empowered them to grant permits of exemption to incapacitated workers, was repealed on 1 October 2004 because it was not compatible with EU legislation which required equal treatment in employment for people with disabilities. Sections 6 and 7 of the 1948 Act empower Committees to issue certificates regarding premium arrangements between employer and learner or apprentice and to revalue farmworkers' houses. Also, under Section 46 of the Agriculture (Miscellaneous Provisions) Act 1968, AWCs have powers to issue craft certificates (but since July 2003 there have been no provisions in the Wages Order which require the Committees to use this power). As required by Section 13 of the Agricultural Wages Act 1948, Annual Reports are prepared by each Committee. Under Section 29 of the Rent (Agriculture) Act 1976 AWC Chairs are responsible for appointing Agricultural Dwelling House Advisory Committees (ADHACs).

64. A list of the Committees in England and Wales and a note on their constitution is given at Appendix IV. Full details of AWC membership is at Appendix V. More information about Independent Membership of AWCs can be found on the Internet on www.defra.gov.uk. In accordance with the recommendation of the Nolan Committee the Secretary of each AWC holds a register of all Independent Committee Members' relevant interests. Copies of the register can be obtained from the appropriate secretary.

Review of Activities

Premium Arrangements for Learners

65. Apprentices or learners may be charged for tuition by their employer only if the AWC, in whose area they are employed, has issued a certificate of approval. No applications have been made under these arrangements since 1993.

Valuation of Farmworkers' Houses

66. The assumed standard value for a house, provided through the contract of employment as part payment of a farmworker's minimum wage, is fixed by the Agricultural Wages Board. However, if an employer or worker considers that this amount does not represent the true value in a particular case either party can apply to the local Agricultural Wages Committee for a higher or lower figure to be fixed. Since 1995 there have been just 7 applications all of which were made in 1997.

Report on performance standards achieved in England by Defra's Rural Development Service and in Wales by Divisional Offices in relation to Agricultural Wages Committees from 1 April 2008 to 31 March 2009.

67. During the 12 months ending on 31 March 2010 Defra's Rural Development Service:

- (a) arranged 15 AWC meetings and dealt with 84 expenses claims; and
- (b) prepared and submitted 15 AWC statutory Annual Reports to the Regional Director, on average within four weeks of the end of the calendar year.

No appointments were made.

68. As a result of the abolition of the former AWCs in Wales and their replacement by a Committee covering the entire Principality no meetings were held and no appointments were made.

**REPORT OF THE PROCEEDINGS UNDER THE AGRICULTURAL WAGES ACT 1948
FOR THE PERIOD 1 JANUARY TO 31 DECEMBER 2009**

**PART IV
AGRICULTURAL DWELLING HOUSE ADVISORY COMMITTEES (ADHACS)**

69. The Rent (Agriculture) Act 1976 and the Housing Act 1988 give certain agricultural workers (including retired workers and successors) living in farm cottages, security of tenure. However, under these Acts a farmer may apply to the local housing authority to have the protected worker re-housed if he/she needs the cottage for another worker in the interests of efficient agriculture. To assist the housing authority in considering the farmer's application the 1976 Act provides for an ADHAC to give advice on the case made by the applicant concerning the interests of efficient agriculture and regarding the urgency of the application. Section 29 of the Rent (Agriculture) Act 1976 makes provision for the establishment of ADHACs within the area of each Agricultural Wages Committee. The areas of each AWC are detailed at Appendix IV.

70. Each ADHAC comprises an independent member, who is the Chair, one member representing agricultural employers and one member representing agricultural workers. Details of ADHAC membership are at Appendix VI. In accordance with the recommendations of the Nolan Committee the Secretary of each ADHAC holds a register of all Independent Committee Members' relevant interests. Copies of the register can be obtained from the appropriate Secretary.

71. Details of ADHAC cases in 2009 are as follows:

	England	Wales
Applications carried forward from previous year	0	0
New applications received	14	0
Applications withdrawn or invalid	2	0
Cases in which ADHAC concluded a need	11	0
Those where ADHAC concluded need was immediate	6	0
Cases in which ADHAC concluded no need	1	0
Complaints about ADHAC performance	0	0
Cases carried forward to the next year	0	0

Report on performance standards achieved in England and Wales in relation to Agricultural Dwelling House Advisory Committees from 1 January to 31 December 2009

72. During the 12 months ending 31 December 2009, the Rural Development Service in England arranged 12 ADHAC meetings and dealt with 46 expenses claim forms.

73. No requests for an ADHAC were received by Divisional Offices in Wales.

APPENDIX I

CONSTITUTION OF THE AGRICULTURAL WAGES BOARD 2009

Chairman

Mr Derek Evans CBE

Appointed Members (Independent Members)

Dr H Billot (until 31 March 2009)

Prof. J Ditch (from 1 April 2009)

Ms C Elliott (from 1 April 2009)

Mr J Magee

Mr C Simpson (until 31 March 2009)

Dr L Walford

Representatives of Employers

Mr R J Fiddaman MBE (Leader of Employers' Side)

Mr C Bourns

Mr J Grant

Mr T Hind (from 15 April 2009)

Mr D Jarman

Mr R Pascal

Mr J Potter

Mr M Raymond MBE

Mrs C Suarez (until 15 April 2009)

Representatives of Workers

Mr C Kaufman (Leader of Workers' Side)

Mr M Belsey

Mr J Lazou

Mr S Leniec

Mrs T Mackay

Mr I Monckton

Ms K Powell

Mr D Weeks

Secretary to the Board

Mr D McInerney

Legal Adviser to the Board

Cumberland Ellis LLP

APPENDIX II

AGRICULTURAL WAGES BOARD

MINIMUM WEEKLY RATES OF PAY IN FORCE IN 2009 FOR WORKERS WORKING STANDARD WEEKLY HOURS

1 January to 30 September 2009					
Grade 6	Grade 5	Grade 4	Grade 3	Grade 2	Grade 1
£	£	£	£	£	£
329.55	304.98	288.21	268.71	244.14	223.86

1 October to 31 December 2009					
Grade 6	Grade 5	Grade 4	Grade 3	Grade 2	Grade 1
£	£	£	£	£	£
336.96	312.00	294.45	274.56	249.60	226.59

Higher rates apply to Full Time and Part Time Flexible Workers.

APPENDIX III

ORDERS MADE BY THE AGRICULTURAL WAGES BOARD DURING 2009

Date of Order	Title of Order
24 July 2009	The Agricultural Wages Order 2009

Operational Date

1 October 2009

Effect of principal changes

The Grade 1 pay rate for workers over compulsory school age has increased by 1.2% from £5.74 to £5.81 per hour. The pay rates for Grades 2-6 have risen by 2.2% taking the rate for a Grade 2 Standard Worker from £6.26 to £6.40 per hour.

The minimum hourly rate for Apprentices has risen from £3.53 to £3.57 in the first year. In the second year of an Apprenticeship the rate has increased from £3.53 to £3.57 per hour for 16-18 year olds, from £4.77 to £4.83 per hour for 19-21 year olds and from £5.73 to £5.80 per hour for those aged 22 and over.

The “Other Accommodation” offset has been increased to £4.51 per day.

The night work rate has been increased to £1.25 per hour.

The standby duty rate has been increased to £25.36 per day.

The dog allowance has been increased to £7.01 a week per dog.

The Birth/Adoption Grant has been increased to £60.00 per child.

The provisions for Full-Time Flexible Workers and Part-Time Flexible Workers have been amended so that these categories are not available to new entrants after the Order comes into force. Transitional provisions have been inserted to protect Flexible Worker agreements entered into on or before 30 September 2009.

The agricultural minimum wage rates and other minimum terms and conditions set out in the Order do not apply to workers participating in the Leonardo da Vinci Programme (Lifelong Learning) in respect of work undertaken as part of that programme or to persons undertaking work experience required by the Diploma in Environmental and Land-based Studies course aimed at young people aged between 14 and 19 years.

Following designation as a Grade 3 Team Leader (and satisfactory completion of any trial period) a certificate is to be signed by the employer and given to the worker stating that the worker has achieved two deemed competences under the Order and which are transferable between employers and which can count towards the minimum number of competences required to enter Grades 2-4.

The transitional provisions for Craft Grade workers will cease to have effect from 1 October 2010. Voluntary Overtime is re-named Other Overtime.

Other technical and consequential drafting amendments have also been made.

APPENDIX IV

AGRICULTURAL WAGES COMMITTEES IN 2009

Counties and former Counties for which separate Agricultural Wages Committees are established.

England

Humberside Shropshire

Combinations of Counties and former Counties for which Agricultural Wages Committees are established.

England

1. Avon, Dorset, Somerset and Wiltshire.
2. Bedfordshire, Cambridgeshire, Essex and Hertfordshire.
3. Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire.
4. Berkshire, Buckinghamshire, Hampshire, Isle of Wight and Oxfordshire.
5. Hereford and Worcester, Gloucestershire, Warwickshire and West Midlands.
6. Devon, Cornwall and Isles of Scilly.
7. Norfolk and Suffolk.
8. Kent, Surrey, East Sussex and West Sussex.
9. Cheshire and Staffordshire.
10. Cleveland, Durham and North Yorkshire.
11. Lancashire, Greater Manchester and Merseyside.
12. South Yorkshire and West Yorkshire.
13. Northumberland, Tyne and Wear and Cumbria.

Wales

All the counties of Wales

Constitution

Each AWC should comprise a chairman elected by the AWC, two independent members (appointed by the Secretary of State in England and by the Welsh Assembly Government in Wales) and an equal number of members representing employers and workers. Employers' representatives are nominated in England by the National Farmers' Union and in Wales by the NFU and the Farmers' Union of Wales in proportions agreed between them. Workers' representatives are nominated by Unite.

APPENDIX V

CONSTITUTION OF THE AGRICULTURAL WAGES COMMITTEES 2009

AVON, DORSET SOMERSET & WILTSHIRE

Mr I H C Powell (Chair)

Appointed Members

vacancy

Representatives of Employers

Mr M J Amos

Mrs M Battens

Mr J R Cossins

Mr C M Foot

Mr P N B Harvey

Mr P J Wyatt

Representatives of Workers

Mr D Freegard

Mr A Gould

Mr H Kirkbride

Mr R G Lanning

Mr E T Marsh

Mr J F Moulton

Mr T Hall

BEDFORDSHIRE, CAMBRIDGESHIRE, ESSEX & HERTFORDSHIRE

Canon F Scuffham (Chair)

Appointed Members

Mr R P Bush

Representatives of Employers

Mr C D Broughton

Mr P Hammett

Mr R Warner-Smith

Mr N P Rome

Representatives of Workers

Mr J Barrett

Mr I Beeby

Mr R Cook

Mr P Read

Mr R Rejdak

Mr B Smith

BERKSHIRE, BUCKINGHAMSHIRE, HAMPSHIRE, ISLE OF WIGHT & OXFORDSHIRE

Mr J C Sinkins (Chair)

Appointed Members

vacancy

Representatives of Employers

Mr J Archer

Mr T G Brock

Mr I R Dalton

Mr T R Houghton

Representatives of Workers

Mr G Beer

Mr M Belsey

Mr S Harding

Mr S Leniec

Mr M Pollek

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Appointed Members

vacancy

Representatives of Employers

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Mr J Hooley

Mr G R J Lewis

Mrs B Smith

Mr R Collier

Mr M Madders

Representatives of Workers

Mr P Dracup

CUMBRIA, NORTHUMBERLAND & TYNE & WEAR

Mr D Hill (Chair)

Appointed Members

Mr G Astbury

Mr A Humphries, MBE

Representatives of Employers

Mr P M Hogg

Mr W G Proud

Mr R Field

Mr R Shaw

Mr T C Whiteford

Representatives of Workers

Mr A McGuckin

Mr G Pettit

Mr N Halton

DERBYSHIRE, LEICESTERSHIRE, LINCOLNSHIRE, NORTHAMPTONSHIRE AND NOTTINGHAMSHIRE

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Appointed Members

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Representatives of Employers

Mr J E Grant

Mr G E M Hennell

Mr G A Jenkinson

Mr P Tame

Mr R J Watts

Representatives of Workers

Mr J C Allin

Mr G Ayto

Mr M Hancock

Mr L Humphries

Mr P Orme

Mr P Whipps

Mr M Woollock

DEVON, CORNWALL AND ISLES OF SCILLY

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Appointed Members

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Representatives of Employers

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Mr F W Clarke

Mr M J Grills

Mr D Hale

Mr M Stanbury

Mr J Whetman

Representatives of Workers

Mr M Bristow

Mr D T Jilbert

Mr A S Martyn

Mr W F C Vanstone

Mr S K White

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WARWICKSHIRE AND WEST MIDLANDS**

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Appointed Members*Vacancy****Representatives of Employers***

Mr A Cozens

Mr M Meredith

Mr J Tingey

Representatives of Workers

Mr R Shutt

Mr E Rowlands

Mr H B Wright

HUMBERSIDE

Mr I D Potter (Chair)

Appointed Members

Mr F Archenhold

Mr D A Howard

Representatives of Employers

Mr R H Brown

Mr J Waring

Representatives of Workers

Mr M A Hancock

Mr P Redgate

Mr A Senior

Mr J L Tubby

KENT, EAST AND WEST SUSSEX, SURREY

Mr J C Sinkins

Appointed Members

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Mr I J Whitburn

Representatives of Employers

Mr J Archer

Ms F Maidment

Mr I Mills

Mr J Myatt

Mrs M F Regan

Representatives of Workers

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Mr R Neville

Mr P A Shaw

Mr D Weeks

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Mr D Neave

Mr G B Shepherd

Representatives of Workers

Mr R McManus

Mr R Nicholson

Mr A Robertson

Mr A Hayes

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Canon F Scuffham

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Mr B Collen

Mr P Hammett

Mr M Holmes

Representatives of Workers

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Mr S Harley

Mrs T MacKay

Mr B Salmon

Mr B Smithson

Mr M Ward

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Appointed Members

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Representatives of Employers

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Mr E A Hardwick

Mr C Hedley

Mr J R Kettlewell

Mr J R Littlefair

Mr D K Sanderson

Representatives of Workers

Mr I R Appleyard

Mr P Houldsworth

Mr J L Tubby

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Mr R Collier

Representatives of Workers

Mr I Monckton

Mr H B Wright

SOUTH YORKSHIRE AND WEST YORKSHIRE

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Mr A P H Dundas

Mr G Astbury

Representatives of Employers

Mr R Farnsworth

Mr P Kershaw

Representatives of Workers

Mr B Anderson

Mr M A Hancock

Mr P Houldsworth

APPENDIX VI

CONSTITUTION OF AGRICULTURAL DWELLING HOUSE ADVISORY COMMITTEES 2009

AVON, DORSET, SOMERSET & WILTSHIRE

Appointed Members

Mr W J Dyke

Representatives of Employers

Mr M J Amos

Mr S J Banfield

Mr A L Bartlett

Mr R Bowditch

Mr M K Brake

Mr H E J Bryant

Mr G M Butler

Mr J R Cossins

Mr G Donaldson

Mr C Foot

Mr A E H Gardener

Mr P W Hunt

Mr C Wills

Representatives of Workers

Mr E Amey

Mr D Freegard

Mr T Hall

Mr H Kirkbright

Mr E T Marsh

Mr O J Trevett

Mr S K White

Mr K Wilkins

BEDFORDSHIRE, CAMBRIDGESHIRE, ESSEX AND HERTFORDSHIRE

Appointed Members

Mr A E Alport

Mrs C M Payne

Representatives of Employers

Mr PA Evans

Mr C E Menhinick

Representatives of Workers

Mr J Barrett

Mr I Beeby

Mr R Murden

Mr P Read

Mr R Rejdak

Mr K Sheath

Mr B Smith

BERKSHIRE, BUCKINGHAMSHIRE, HAMPSHIRE, ISLE OF WIGHT AND OXFORDSHIRE.

Appointed Members

Dr D C Azubike

Representatives of Employers

Mr J J Atrill

Mr T G Brock

Mr D M H Brown

Mr D J Greasby

Mr T R Houghton

Mr G M Maclean

Mr R L Orlik

Mr R Uglow

Representatives of Workers

Mr G Beer

Mr M Belsey

Mr P W J Cozens

Mr J Cull

Mr J Gardner

Mr G Goble

Mr S F Harding

Mr S Leniec

Mr T Timms

CHESHIRE

Appointed Members

Mr E Orgill

Representatives of Employers

Mr J Ball

Mr R Dobson

Mrs B Smith

Mr P D Thomas

Mr S R Wharfe

Representatives of Workers

Mr P Dracup

CUMBRIA, NORTHUMBERLAND, TYNE & WEAR

Appointed Members

Mr G Astbury

Mr A Humphries MBE

Representatives of Employers

Mr P M Hogg

Mr W G Proud

Mr T C Whiteford

Representatives of Workers

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Mr A McGuckin

Mr J G Short

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Appointed Members

Vacant

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Mr R B R Burt

Mr S Enderby

Mr M Foot

Mr J E Grant

Mr G E M Hennell

Mr G Ingham

Mr G A Jenkinson

Mr J A Slack

Mr B Sutton

Mr A Richards

Mr S A R Markillie

Mr S A R Murch

Mr T E Reading

Mr J F C Taylor

Mr J Ward

Mr R J Watts

Mr N R Wild

Mr F Wright

Representatives of Workers

Mr J C Allin

Mr M Doherty

Mr M Hancock

Mr I Orton

Mr P Whipps

DEVON, CORNWALL AND THE ISLES OF SCILLY*Appointed members*

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Mr P E Sanders

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Mr J F Blewett
Mr F W Clarke
Mr C R Gaden
Mr R H T Moore
Mr W E R Philip
Mr G T Smith
Mr S H Wallis

Representatives of Workers

Mr M Bristow
Mr A H F Fooks
Mr A S Martyn
Mr P Starkey
Mr W F C Vanstone
Mr S K White

**HEREFORD & WORCESTER, GLOUCESTERSHIRE,
WARWICKSHIRE & WEST MIDLANDS***Appointed Members*

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Representatives of Employers

Mr T Bradeley
Mr R Colwill
Mr A Cozens
Mr T Heritage
Mr M Meredith
Mr B Sutton
Mr J Tingey

Representatives of Workers

Mr S Preddy
Mr E Rowlands
Mr H B Wright

HUMBERSIDE*Appointed Members*

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Mr D A Howard

Representatives of Employers

Mr R H Brown
Mr J Waring

Representatives of Workers

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Mr P Redgate
Mr A Senior
Mr J L Tubby

KENT, SURREY, EAST SUSSEX & WEST SUSSEX*Appointed Members*

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Mr D L Ridout

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Mr H Cornwell
Mr P Eastwood
Mr P Forknall
Mr M F French
Mr G E Lee-Steer

Representatives of Workers

Mr N Davidson
Mr B Moss
Mr D Weeks

LANCASHIRE, GREATER MANCHESTER, MERSEYSIDE*Appointed Members*

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Mr D Neave
Mr G B Shepherd

Representatives of Workers

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Mr R McManus
Mr R Nicholson

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Mr M A Harrowven

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Mr A Fairs
Mr N Guyer
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Mr J R M Wayman

Representatives of Workers

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Mrs M E Holmes
Mrs T Mackay
Mr P Medhurst
Mr B Salmon
Mr B Smithson
Mr M Ward

NORTH YORKSHIRE, CLEVELAND & DURHAM*Appointed Members*

vacancy

Representatives of Employers

Mr R E Dennison
Mr E A Hardwick
Mr C Hedley
Mr J R Kettlewell
Mr D K Sanderson
Mr J R Littlefair

Representatives of Workers

Mr P Houldsworth
Mr P Redgate
Mr J L Tubby

SHROPSHIRE*Appointed Members*

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Representatives of Employers

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Mr D W Burton
Mr J E Cooke
Mr J Croxton
Mr J W Evans
Mr R Eyres
Mr M Goodwin
Mr R J Matson
Mr J Wild

Representatives of Workers

Mr I Monckton
Mr H B Wright

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Appointed Members

Vacancy

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M R F Hartley

Mr A L Needham

Mr K Unwin

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Mr F Lewis

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Appointed Members

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ISBN 978-0-10-851039-7



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