

To: Department for Business, Energy and
Industrial Strategy

Date: 23 May 2018

Ref: 2018_PS006

Contact:

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Consultation on measures to increase transparency in the UK labour market

The NFU represents 55,000 members in England and Wales, involved in 46,000 farming businesses. In addition, we have 55,000 countryside members with an interest in farming and the countryside. We are grateful for the opportunity to respond to this consultation on the implementation of the recommendations contained within the Taylor Review of modern working practices.

This response focusses on Section A on Written Statements, which includes the proposal to extend the right to a written statement to workers as well as employees. We have also responded to Section C on Holiday Pay, and the recommendation that the Government should do more to promote awareness of holiday pay entitlements and increase the holiday pay reference period from 12 to 52 weeks.

Written Statements

Within the current legislation employers in the agricultural and horticultural sectors are required to provide a written statement, containing a subset of information, within two months of the worker commencing their employment. The NFU agrees that employers should provide this basic information and key additional information about the employment relationship to help ensure that legal rights and responsibilities are not misunderstood or exploited.

Anecdotal information we have received from our members indicates that the majority of farm businesses provide the written statement and key additional information within a shorter time period than that required under the current legislation.

The consultation sets out that the Government agrees with the proposals within the Taylor review for employers to provide this basic information about the employment relationship to all workers at the outset, with the aim of improving clarity and understanding for both parties.

While the NFU can agree in principle with the general approach to shorten the time frame within which to provide this information, we are concerned about the possible increase in administrative burden if the written statement is required before employment commences, or on day one of employment.

This is of particular concern for those small and medium businesses that employ significant numbers of seasonal workers to help pick, grade and pack crops over a short period, and which may not have an HR department. This will mainly impact on businesses within the horticulture sector. There is a concern that if these businesses have a large influx of workers on the same day, it may not be practical to process and produce all written statements on or before day one.

We would therefore be inclined to agree with the recommendation from the Work and Pensions and Business, Energy and Industrial Strategy committees which recommended that a right to a written statement applies from day one, but the statement can be provided within seven days.

In terms of the contents of the written statement, we have no objection to most of the additional information outlined in the consultation document.



With regards to the provision of training requirement and entitlement information, we would anticipate that this could be difficult to provide at an early stage. If this is purely restricted to compliance based training that the employee will receive (i.e. health and safety training), then businesses should be able to include this information in a written statement. However, if the requirement to provide information extends to an individual assessment of training needs, we would question whether this assessment could be properly undertaken within an initial period after commencing employment. It could be argued that this should be considered an ongoing requirement for employers to assess employees' training needs.

Holiday Pay

The consultation sets out a number of ways in which Government is looking to increase awareness of holiday pay entitlements including digital activity and stakeholder engagement. The NFU welcomes these commitments to ensure that employers and workers are aware of all the current entitlements.

The NFU can strongly agree with the proposal set out in the consultation to take action to change the length of the holiday pay reference period.

We believe the current 12 week reference period does not work for all farm businesses, and the inflexibility of the current arrangements can lead to differences in incentives between employers and workers regarding the timing of annual leave. We would therefore agree with the proposal to extend the reference period to 52 weeks in order to even out the peaks of work undertaken by different workers throughout the year.

If you have any further queries on this response please contact