

Agricultural Wages Helpline,
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defra
Department for Environment
Food and Rural Affairs

Agricultural Wages Complaint Form

- **Data Protection Act 1998**

The personal data you have provided on this form, together with any personal data you might supply at a later date in support of this claim, might be divulged to a third party as we seek to investigate and enforce your claim of underpayment of agricultural wages as set out in the Agricultural Wages Order. These could include, your employer or previous employer and his/her advisers or agents, trade union officials, the Employment Tribunals or Courts and the Insolvency Services and other organisations associated with your employment, education or qualifications.

- **Employment Tribunals**

if you wish to take a case to an employment tribunal to recover any wages owed to you, you must do this within 3 months of the underpayment taking place.

- **Agricultural Wages Complaint Recovery Process**

Also enclosed with this form are general notes giving guidance on how we will help you recover any underpayment of pay.

We cannot deal with underpayments that took place before April 1999 or with underpayments which arose more than six year's ago.

- **Completed forms**

Please return this form together with any supporting documents, to the Agricultural Wages Team at the address given at the top of this page in the prepaid envelope provided.

For Defra Use Only

Complainant's name

Employer's name

Case Reference

Date form received

Initials

Section 4 – Details of complaint

- Please use this section to tell us about your job. Describe your normal duties, according to the season. Also let us know, at 8(b) below, why you think you have been underpaid. If you ask us to preserve your anonymity when completing questions 3 and 4 below, we will do so for as long as possible. However, in some cases e.g. where there is only one worker, preserving your anonymity is unlikely to be possible. Please see the General Guidance Notes (AW 54A) for further information.

3. Does your employer know that you are making this complaint? YES NO
4. Do you mind if your employer knows you have complained? YES NO
5. Approximately how many other workers are employed where you work?
6. Have you seen your minimum wage records? YES NO
7. Do you have a copy of the latest Agricultural Wages Order? YES NO

8. (a) Please give a brief description of the work you do. If you do some non-agricultural work please say how much time is spent undertaking agricultural and non-agricultural duties.

- (b) Please give a summary of your complaint:

9. Please give details of:

- (a) any Benefits in Kind you receive that are set against your pay:

- (b) any other deductions made from your pay:

If there is not enough space please continue on page 8 and tick this box

Section 4 – Details of complaint continued

- (c) any other issues e.g. holiday entitlement, AWSP etc:

Section 5 - Category

- For the purposes of the Agricultural Wages Order, workers are divided into several different categories. Please tick the box that best describes the way you work. The information you have provided in Section 4 will also help us to determine the appropriate category.

If your complaint covers a period before and after 30 September 2005 it is important that you tick a worker category box on **both** the following lists

The following categories were in effect until 30 September 2005

10. Were you a:

Please tick ONE box only

- (a) **Standard Worker?**
Most workers are standard workers. You can be a standard worker even if you work part-time.

- (b) **Manual Harvest Worker?**
This means your employer has taken you on for not more than 30 weeks out of 52 to pick fruit, vegetables, flowers, or any other crop, by hand, without the use of machinery or other equipment other than a knife, scissors, hand tool or similar implement.

- (c) **Full Time Flexible Worker?**
This means you must be over 18 years of age and have entered into a written agreement (a Flexible Working Agreement) to follow a pattern of flexible working, with a minimum duration of at least one year. You must be working at least an average 39 hour week over a period of no more than 3 weeks.

- (d) **Part Time Flexible Worker?**
This means you must be over 18 years of age and have entered into a written agreement (a Flexible Working Agreement) to follow a pattern of flexible working, with a minimum duration of at least one year.

- (e) **Appointment Grade 1?**
To be eligible for the Appointment Grade minimum rates of pay you must be working in a managerial or supervisory position. If your employer took you on as an Appointment Grade worker, you are automatically entitled to be paid at that rate. If you have been doing the job for at least six months, unless it is to cover for someone who is away because of illness or another reason, you may be entitled to be paid at the higher rate depending on your responsibilities.

- (f) **Appointment Grade 2?**
This means you have day-to-day responsibility for supervising the work on a farm, or part of it, and implementing management decisions **or** you are responsible for the instruction and supervision of staff.

Craft Grade

To be eligible for the Craft Grade minimum rates of pay you must have been working in agriculture for at least 3 of the last 4 years and have obtained a relevant National Vocational Qualification (NVQ) at Level 3 or a relevant craft qualification.

- (g) **Craft Grade?**

**It is important you let us have any certificates you may have.
Please attach securely to this form and tick this box.**

We will accept photocopies. All original documents will be returned.

Section 5 – Category continued

- (h) **Other**
This would include apprentices and other people on training schemes.
It is important you let us have details of the Training Contract.
Please attach securely to this form and tick this box
We will accept photocopies. All original documents will be returned.

The following categories came into effect on 1 October 2005

10. Are you a: Please tick ONE box only

- (a) **Grade 1 - Basic Trainee Worker?**.....
In most cases a Basic Trainee worker will be undertaking supervised manual work. The Basic Trainee Worker is the default category; if you do not fall under the definition for any of the other worker categories, you will be a Basic Trainee Worker.
- (b) **Grade 2 - Standard Worker?**.....
To be eligible for the Standard worker minimum rates of pay you must hold the minimum entry qualifications and be doing work which requires the use of the qualification/competence you hold. You will also be eligible for the Standard worker minimum rates of pay if you work wholly or mainly unsupervised **or** work with animals **or** are in control of powered machinery **or** drive an agricultural tractor.
- (c) **Grade 3 - Lead Worker?**
To be eligible for the Lead worker minimum rates of pay you must hold the minimum entry qualifications and be doing work which requires the use of the qualification/competence you hold and have been working in agriculture for at least two out of the last five years.
- (d) **Grade 4 - Craft Grade Worker?**.....
To be eligible for the Craft Grade minimum rates of pay you must hold the relevant qualification and since gaining the Grade 4 minimum entry requirements, have been continuously employed for twelve months or more by the same employer and have been working in agriculture for at least two out of the last five years.
- (e) **Grade 5 - Supervisory Grade Worker?**
To be eligible for the Supervisory Grade minimum rates of pay you must have day-to-day responsibility for supervising the work on a farm or part of it and implementing management decisions or responsibility for the instruction and supervision of staff.
- (f) **Grade 6 - Farm Management Grade Worker?**
To be eligible for the Farm Management minimum rates of pay you must have management responsibility for an entire farm or part of it run as a separate operation or business or responsibility for employing and disciplining staff together with responsibility for dismissing staff or, where appropriate, responsibility for making recommendations to their employer for the dismissal of staff they manage directly.
- (g) **Full Time Flexible Worker?**
This means you must be over 18 years of age and have entered into a written agreement (a Flexible Working Agreement) to follow a pattern of flexible working, with a minimum duration of at least one year. You must be working at least an average 39 hour week over a period of no more than 3 weeks.
- (h) **Part Time Flexible Worker?**.....
This means you must be over 18 years of age and have entered into a written agreement (a Flexible Working Agreement) to follow a pattern of flexible working, with a minimum duration of at least one year.
- (i) **Other**
This would include apprentices and other people on training schemes.
It is important you let us have details of the Training Contract.
 - Please refer to Appendices 1 – 5 in the back of the Agricultural Wages Order 1 October 2005 for the minimum entry qualifications for a Standard Worker, Lead Worker and Craft Grade Worker.
 - You should be aware that where a category of worker requires some form of qualification or certificate of competence, it is a qualifying factor that you disclose your qualification/competence to your employer. Entry to the higher grade only takes effect from the date of disclosure and so is not always retrospectively.**It is important that you let us have any certificates you may have.**
Please attach securely to this form and tick this box
We will accept photocopies. All original documents will be returned.

Section 6 – Details of your pay and the hours you work

- To help us calculate any underpayment of wages we need to know what you were paid, for the hours you worked, and what holidays and sick leave you took. If you think you have been underpaid you should send us, wherever possible, details of your pay and hours worked for the whole period involved. This can be done in the form of payslips and timesheets. **If you have a problem with supplying payslips please read the advice below.**

What to do if you do not have payslips or some are missing, or the pay slips you do have do not show information about the hours you worked.

- Give as much detail as you can about the hours you worked in the boxes below giving the relevant dates. If you kept a personal record of the hours you worked, in the form of a diary or timesheets, please attach them firmly to this form. If you were paid by cheque, you may have bank details showing the amount you were paid – any bank or building society

statements you send to us will be treated in the strictest confidence.

- While it is important that you give as much detail as you can** about your pay and hours worked, if your complaint covers several years **you may not remember all the details.** If you can provide details of the last 4 weeks pay and hours worked or typical weeks throughout the year, we will be able to begin the process of helping you recover any pay owed to you so please do not hesitate to complete your complain form and send it to us. If we feel we need more information we will let you know.

11 Information about pay and the hours worked.

Please provide this information in the boxes below. If your hours worked to not vary you should give details of your most recent weeks worked or the last four weeks of employment. If your hours vary significantly at different times of the year or from week to week you should provide information for typical weeks throughout the year.

Week beginning/ending Date	Mon	Tue	Wed	Thur	Fri	Sat	Sun
Start time							
Finish time							
No. of hours worked							
Length of lunch/tea break							
*Gross pay for the week							

**After deductions from pay for accommodation etc. but before deductions of Tax and National Insurance.*

Week beginning/ending Date	Mon	Tue	Wed	Thur	Fri	Sat	Sun
Start time							
Finish time							
No. of hours worked							
Length of lunch/tea break							
*Gross pay for the week							

**After deductions from pay for accommodation etc. but before deductions of Tax and National Insurance.*

How are you paid? Daily Weekly 4 weekly monthly other

If OTHER, please specify

For all other weeks please use the continuation sheet attached.
Additional pages can be photocopied (before completion).

Section 6 – Details of your pay and the hours you work (continuation sheet)

Week beginning/ending Date	Mon	Tue	Wed	Thur	Fri	Sat	Sun
Start time							
Finish time							
No. of hours worked							
Length of lunch/tea break							
*Gross pay for the week							

Week beginning/ending Date	Mon	Tue	Wed	Thur	Fri	Sat	Sun
Start time							
Finish time							
No. of hours worked							
Length of lunch/tea break							
*Gross pay for the week							

Week beginning/ending Date	Mon	Tue	Wed	Thur	Fri	Sat	Sun
Start time							
Finish time							
No. of hours worked							
Length of lunch/tea break							
*Gross pay for the week							

Week beginning/ending Date	Mon	Tue	Wed	Thur	Fri	Sat	Sun
Start time							
Finish time							
No. of hours worked							
Length of lunch/tea break							
*Gross pay for the week							

Week beginning/ending Date	Mon	Tue	Wed	Thur	Fri	Sat	Sun
Start time							
Finish time							
No. of hours worked							
Length of lunch/tea break							
*Gross pay for the week							

**After deductions from pay for accommodation etc. but before deductions of Tax and National Insurance.*

If appropriate, number of additional pages attached

