

The Agricultural Wages Complaint Form

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 arose more than six years 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.

Complainant's name

Employer's name

Case reference

Date form received

Initials

Date Protection

Defra is the data controller for personal data you give to us or we hold about you. We use it in line with the Data Protection Act. For more information, go to www.gov.uk/rpa, choose 'Contact RPA' and click on 'Personal information charter'.

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) Please give a summary of your complaint:

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.

10. Are, or were 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.

Section 5 – Category continued

(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 attach securely to this form and tick this box. We will accept photocopies. All original documents will be returned.

- 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 do 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.*

11. **Information about pay and the hours worked continued**

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.*

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							

** 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.*

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.*

If appropriate, number of additional pages attached

