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## Briefing Note

### Pack House Workers and the Agricultural Wages Order

Following is advice from Defra Agricultural Wages Team regarding whether workers in a Pack House are covered by the Agricultural Wages Order.

The area of processing and packaging of food is very complex and the Agricultural Wages Team would advise that cases are considered on their own merits, as there is a danger in giving an incorrect interpretation of the Order using blanket answers.

Broadly speaking:-

- The packaging and processing of produce is deemed to be agricultural work if the produce has been grown on the farm (or enterprise, which could consist of more than one farm or unit in the same ownership or group) where the packing takes place and it is considered to be "first stage packaging" (in other words the last stage in the production process, before the produce is sold on).
- Where the produce to be packaged/processed is bought in, either from farms in different ownership or imported, workers employed in any aspect of packing, processing or handling are not covered by the provisions of the Order.
- On the processing side, it depends on whether the nature of the produce is substantially changed as to whether workers are covered by the Order. For example, turning potatoes into chips would be outside the scope of the Order, irrespective of whether the potatoes are bought in or home grown. Workers engaged in simple processing (for example, topping and tailing, to render vegetables into saleable condition) would be covered by the Order if they were dealing with produce which that had not been bought in.
- If the packaging is a very technical process or the goods have been extensively processed before the packing operation, workers could be considered to be employed in a separate industry from the farm.
- With regard to workers handling produce after it has been packed, these would be covered by the Order if the produce has not passed its first point of sale.
- It is possible for workers to be engaged in work which is split between that within the remit of the Order and that which falls outside.

The Agricultural Wages Team can be contacted at [agriwages@defra.gov.uk](mailto:agriwages@defra.gov.uk) or on 0845 0000134 or 01270 754106.

In cases of uncertainty the Association strongly advises that members do not rely on the word of their labour user client but instead obtain a decision from the Agricultural Wages Team. The GLA has revoked the licences of labour providers where agricultural overtime rates have not been paid in circumstances where they have interpreted that it should have.