

**DRAFT Equality Impact Assessment**

Proposal to revoke the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 (Abolition of the Agricultural Wages Board)

**May 2021**

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**EXECUTIVE SUMMARY**

The Minister of Agriculture, Environment and Rural Affairs intends to bring forward proposals for consideration by the Northern Ireland Executive to revoke the Agricultural Wages (Regulation) (NI) Order 1977, which would abolish the Agricultural Wages Board (AWB) in Northern Ireland and which will require primary legislation.

Under the Agricultural Wages (Regulation) (NI) Order 1977, the Agricultural Wages Board has the power in relation to agricultural workers to set:

* a minimum rate of pay;
* the type and value of deductions that an employer may make from a worker’s gross pay;
* the amount of holiday entitlement and holiday pay; and
* the level of sick pay.

Abolition of the AWB would:

* recognise the different operating context since the AWB was first set up;
* end the setting of specific wage rates, and other terms and conditions, for the agriculture sector and bring it into line with all other sectors of the NI economy;
* reduce duplication between the agricultural wages legislation and other employment legislation with similar functions which has been introduced since the AWB was originally set up, which would reduce the burden of legislation and administration to employers; and
* maintain similar employment protections for agricultural workers on the same basis as workers in all other sectors, including the National Minimum Wage.

Section 75 of the NI Act (1998) requires DAERA, as a large public authority, to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories. The legislation also requires the Department to undertake equality impact assessments when necessary and to assess the impact of its policy proposals and decisions on different groups of people. This Draft Equality Impact Assessment has been prepared to fulfil this requirement in relation to the proposal to abolish the AWB and covers the first four steps in the process which involve: defining the aims; considering the evidence, assessing the impact and considering mitigation measures.

**Analysis and Initial findings**

Section 5 of the draft equality impact assessment (EQIA) sets out an analysis of relevant evidence which has been considered to help identify any potential needs and impacts of any of the Section 75 equality groups, including persons of different: religious belief, political opinions, racial background, marital status, sexual orientation, age, gender, persons with a disability, and persons with and without dependants.

The initial findings are set out in Section 6 of the draft equality impact assessment and are summarised below:

* There are likely to some differential impacts on some of the equality groups, in particular on ‘age’ and ‘racial background’. The analysis found that these groups are more likely to be subject to the lower pay thresholds based on age under the National Minimum Wage.
* There may be an opportunity to better promote equality of opportunity through the provision of information in other languages.
* The proposal is not likely to have any significant impact on good relations between people of a different religious belief, political opinion or racial background, but simplification of the applicable legislation could indirectly impact on good relations between people of a different religious background.
* There may be opportunities to better promote good relations between people of different racial groups by providing information in other languages which would help people to understand their rights.

**Mitigating Actions**

A number of mitigating actions are identified in Section 7, ranging from statutory employment legislation, training and education opportunities, information provision, and rural initiatives via the Rural Development Framework and the Tackling Rural Poverty and Social Isolation framework.

**Consultation responses and next steps**

Views and comments on this draft equality impact assessment are encouraged in response to the public consultation on this proposal. The Department will consider responses made and publish the outcome of the consultation and the final EQIA on the DAERA website. Details of how to respond to the consultation are provided at the end of this document.

1. **INTRODUCTION AND BACKGROUND**

The Minister of Agriculture, Environment and Rural Affairs intends to bring forward proposals for consideration by the Northern Ireland Executive to revoke the Agricultural Wages (Regulation) (NI) Order 1977, which would abolish the Agricultural Wages Board (AWB) in Northern Ireland and which will require primary legislation.

The proposal considers whether government intervention (by way of the Agricultural Wages Board) remains necessary in view of changes in context in agricultural and employment practices and wider employment law, including the National Minimum and Living Wage regimes.

The proposal has been brought forward in view of the significant changes in operating context since the AWB was originally set up and aims to bring the agricultural sector into alignment with all other sectors of the economy. It is also consistent with the public body reform agenda agreed by Northern Ireland Political Parties in the New Decade New Approach Agreement, which outlines a commitment to reviewing Government sponsored Arms’-Length Bodies with a view to rationalisation.

Under the Agricultural Wages (Regulation) (NI) Order 1977, the Agricultural Wages Board has the power in relation to agricultural workers to:

* set a minimum rate of pay;
* determine the type and value of deductions that an employer may make from a worker’s gross pay;
* set the amount of holiday entitlement and holiday pay; and
* set the level of sick pay.

The legislation also provides powers of investigation and enforcement, delegated to DAERA officers, and makes it an offence not to comply with the provisions of the legislation.

Abolition of the AWB would end the setting of specific wage rates, and other terms and conditions, for the agriculture sector. Similar powers and protections offered by the AWB legislation would be maintained (with some differential impacts) through other applicable legislation, bringing the sector into line with all other sectors of the economy. This aims to simplify and reduce the regulatory and administrative landscape for agricultural businesses and to maintain protections for agricultural workers on the same basis as workers in other sectors. There are likely to be some differential outcomes (both favourable and unfavourable) across the sector and for particular groups in comparison to the current position, which are considered in more detail below.

1. **Equality Duties**

Section 75(1) of the Northern Ireland Act 1998 requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between specific identified individuals and groups, namely:

* persons of different religious beliefs;
* persons of different political opinion;
* persons of different racial group;
* persons of different age;
* persons of different marital status;
* persons of different sexual orientation;
* men and women generally;
* persons with a disability and persons without; and
* persons with dependants and persons without.

The legislation requires public authorities to conduct an equality impact assessment (EQIA) where proposed legislation or policy is likely to have a significant impact on equality of opportunity.

An EQIA is a thorough and systematic analysis of a policy or proposal in order to:

* determine the extent of differential impact upon the relevant groups;
* consider whether that impact has a negative impact on groups or individuals in relation to one or more of the nine equality categories;
* consider the steps to be taken by DAERA to lessen any adverse impact; and
* identify if there are other ways in which we can better promote equality of opportunity.

The assessment must make reference to the nine equality categories as defined in Section 75 of the Act and listed above.

The Equality Commission for Northern Ireland (ECNI) statutory duty guidance sets out the seven separate elements in the completion of an Equality Impact Assessment (EQIA). These are:

STEP ONE - Defining the aims of the policy;

STEP TWO - Consideration of available data and research;

STEP THREE - Assessment of impact;

STEP FOUR - Consideration of measures that might mitigate any adverse impact and alternative policies that might better achieve the promotion of equal opportunity;

STEP FIVE - Results of formal consultation;

STEP SIX - Decision by Public Authority; and

STEP SEVEN - Publication of results of the impact assessment and monitor for adverse impact.

This assessment document covers steps one to four. Steps five to seven will be completed as soon as possible following the close of the public consultation period.

In particular this assessment considers the following:

* What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?
* Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?
* To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group?
* Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?

1. **Consultation**

Publication of this DRAFT Equality Impact Assessment document and the accompanying consultation documents, marks the beginning of the consultation stage related to the Review of the Agricultural Wages Board structure.

Consultation on this EQIA will begin on 13 May 2021 and will end on 5 August 2021. Details of how you can submit your responses to this consultation are given at the end of this document.

1. **STEP 1: DEFINING THE AIMS OF THE POLICY**
   1. **What is it trying to achieve? (intended aims/outcomes)**

The Minister of Agriculture, Environment and Rural Affairs intends to bring forward proposals for consideration by the Northern Ireland Executive to revoke the Agricultural Wages (Regulation) (NI) Order 1977, which would abolish the Agricultural Wages Board in Northern Ireland. This would end the setting of wage rates, and other terms and conditions of employment, specifically for the agriculture sector. This will bring the sector into alignment with all other sectors of the economy and reduce the regulatory and administrative burden on agricultural businesses. Agricultural workers would receive the same protections as workers in other sectors afforded by wider employment law and UK Minimum and Living Wage Rates (NMW/NLW), with some differences in qualifying thresholds and levels of entitlement.

The proposal therefore aims to simplify the legislation to be applied to agricultural workers’ pay, terms and conditions, removing the existing duplication and overlap between the AWB legislation and wider employment legislation.

Agriculture is defined in the 1977 Order to include:

‘horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, market gardens and nursery grounds, the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, the scutching [a separation process] of flax and tow and any process preparatory to or connected with the scutching of flax or tow’.

Paid employees meeting the definition above and their employers will be affected by this proposal. The agricultural labour force comprises some 49,423 persons, of which 11,910 are employees, 6,738 who are paid employees.[[1]](#footnote-1)

* 1. **SUMMARY OF MEASURES**

| **Measure** | **Current** | **Replaced by** |
| --- | --- | --- |
| **Minimum rate of pay** | AWB NI rates (see Annex) | NMW & NLW rates (see Annex) |
| **Minimum rate of overtime** | 1.5 times the hourly rate of pay (for any hours over 39 hrs/week) | None set |
| **Maximum amount deductible for provision of accommodation** | £45.00/week | £58.52/week |
| **Paid holiday entitlement** | 5.6 weeks/year (28 days for a worker working 5 days a week) + one additional day for workers employed for over a year | 5.6 weeks/year (28 days for a worker working 5 days a week) |
| **Amount of paid sick leave** | After one year’s continuous employment and paid after being off sick for 4 or more days, a maximum of 60 days in a rolling 12 month period or 120 days in a rolling 48 month period. | Paid after being off sick for 4 or more days, Statutory Sick Pay (SSP) for a maximum of 28 weeks |
| **Level of sick pay** | 1/10th the weekly minimum rate of AWB pay for each day sick, plus SSP | SSP = £95.85/week |

1. **STEP 2: CONSIDERATION OF AVAILABLE DATA AND RESEARCH**

Section 75 monitoring is an integral part of our statutory duties under the Northern Ireland Act (1998). By monitoring the equality composition of employers and employees in the agricultural and horticultural sectors, we are better able to understand which Section 75 groups are benefitting from the support we provide, and conversely, which Section 75 groups are not.

DAERA also collects a detailed range of statistical information on the agricultural sector, which is supplemented with data from other sources. Key publications and statistics that have informed this draft impact assessment are set out in the annexes.

The information contained within this analysis is drawn from a range of sources as detailed throughout. This may result in some variation in figures presented within this assessment due to differences in date ranges, methods of data capture and definitions relating to the data. These factors have been taken account of in the analysis undertaken.

* 1. **Consultation and Engagement**

To further inform our thinking we have commenced a programme of engagement with key stakeholders and representative groups which will continue through the consultation period. Earlier feedback provided by these stakeholders, in response to the Department’s Review of the AWB in 2011/12, has been re-visited in the preparation of the assessment of impacts. This includes responses from the Ulster Farmers’ Union (UFU), Northern Ireland Agricultural Producers’ Association (NIAPA), Unite the Union, the Northern Ireland Council for Ethnic Minorities (NICEM) and South Tyrone Empowerment Programme (STEP), Rural Community Network (RCN), Horticultural Trades Association (HTA) Agri-Food and Biosciences Institute (AFBI) and the Northern Ireland Commissioner for Children and Young People (NICCY). Updated views from these stakeholders and others will be sought through direct engagement and the public consultation process.

* 1. **Evidence**

This AWB is specific to approximately 3,300 employing businesses and c.11,000 employees, of which c.6,700 are paid employees[[2]](#footnote-2). The evidence indicates that there is higher and lower participation or uptake by some of the different Section 75 groups than is the norm. Further details are set out below.

* 1. **Racial Group** evidence/information:

The [2011 Census](https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-key-statistics-northern-ireland-report-11-december-2012.pdf)[[3]](#footnote-3) of Northern Ireland found that over 98% of the population, state their ethnic origin to be White. Non-White ethnic groups accounted for 1.7% of the total population. In addition, under 1.3% of Non-White minority ethnic groups of Black, Asian and Other live in rural areas.

The breakdown by ethnic group and country of birth of farmers and farm workers from the 2011 Census is set out in the tables below.

**Table 1 - Farmers and farm workers by ethnic group[[4]](#footnote-4)**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **All usual residents aged 16 to 74 in employment (employees) with Census occupation codes 5111 and 9111** | **Farmers**  **(Code 5111)** | **Farm workers (Code 9111)** |
| **Ethnic group** | **2,898** | **1,192** | **1,706** |
| White | **2,887** | 1,188 | 1,699 |
| Other | **11** | 4 | 7 |

**Table 2 - Farmers and farm workers by country of birth[[5]](#footnote-5)**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **All usual residents aged 16 to 74 in employment (employees) with occupation codes 5111 and 9111** | **Farmers**  **(Code 5111)** | **Farm workers (Code 9111)** |
| **Country of birth** | **2,898** | **1,192** | **1,706** |
| Northern Ireland | **2,638** | 1,103 | 1,535 |
| Elsewhere | **260** | 89 | 171 |

[DAERA Survey of Migrant Labour in Northern Ireland Agriculture 2018](http://www.daera-ni.gov.uk/sites/default/files/publications/daera/Migrant%20Labour%20in%20NI%20Agriculture.pdf)[[6]](#footnote-6)

On 1 November 2017, there were an estimated 1,404 seasonal and non-seasonal workers from outside the UK and Ireland employed in agriculture in Northern Ireland. Of these, 1,397 were from EU countries, while 7 were from the rest of the world (RoW). This accounts for around 20 per cent of the NI paid agricultural workforce (full-time, part-time and casual workers).

There were a further 676 seasonal migrant workers who were present in the year preceding 1 November 2017, but no longer present on the farm at the time of the survey. These comprised 675 workers from EU countries and one from the rest of the world, equating to 10 per cent of paid employees. Of the 609 businesses surveyed, 65 per cent had no migrant labour. Of those remaining, 13 per cent had only non-seasonal migrant labour, 15 per cent had only seasonal migrant labour, and 7 per cent had both non-seasonal and seasonal migrant labour.

Horticultural farms were the most likely farm type to use migrant labour, with 65 businesses indicating that they employed migrant labour. Altogether they employed 974 migrant workers, approximately four-fifths of the total paid labour force. These businesses comprise mushroom, fruit and indoor flower growers. Businesses that kept pigs and poultry or grazing livestock had the lowest numbers of migrant workers with 95 and 79 employed respectively.

The majority of seasonal migrant workers were employed on large horticultural farms (mainly specialist fruit) accounting for 63 per cent of all seasonal workers present on this date. Horticulture as a whole accounted for almost three-quarters of seasonal migrant labour.

Almost a third of non-seasonal migrant workers were from Bulgaria, with 28 per cent from Lithuania, 16 per cent from Poland and 10 per cent from Latvia. Over half of the seasonal workers were from Romania, with 17 per cent from Bulgaria, 12 per cent from Lithuania and 11 per cent from Poland.

It is anticipated that there is likely to be an impact on the number and profile of migrant workers, including seasonal workers as a result of the UK leaving the European Union and changes to Freedom of Movement and Immigration Rules. DAERA is continuing to monitor the situation to identify any issues that emerge.

* 1. **Religious Belief** evidence/information:

The DAERA statistical report [Equality Indicators for Northern Ireland Farmers](http://www.daera-ni.gov.uk/publications/equality-indicators-report)[[7]](#footnote-7) states that just over two fifths (42%) of farmers in Northern Ireland were Catholic, with half (51%) stating their religion as Protestant or another Christian religion. The remainder (6%) were of 'other' or no religion.

The breakdown of religion by farmers and farm workers from the 2011 Census is set out in the table below.

**Table 3 - Farmers and farm workers by religion[[8]](#footnote-8)**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **All usual residents aged 16 to 74 in employment (employees) with occupation codes 5111 and 9111** | **Farmers**  **(Code 5111)** | **Farm workers (Code 9111)** |
| **Religion or religion brought up in** | **2,898** | **1,192** | **1,706** |
| Catholic | **926** | 385 | 541 |
| Protestant and Other Christian (including Christian related) | **1,884** | 761 | 1,123 |
| Other and None | **88** | 46 | 42 |

The [2011 Census](https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-key-statistics-northern-ireland-report-11-december-2012.pdf)[[9]](#footnote-9) found that 45% of the general population were either Catholic or brought up as Catholic, while 48% belonged to or were brought up in Protestant, Other Christian or Christian-related denominations. A further 0.9% belonged to or had been brought up in other religions or philosophies, while 5.6% neither belonged to, nor had been brought up in, a religion.

The Census further recorded that in rural communities, 53% of households recorded a head of household as following (or being brought up in) the Protestant or other Christian religious belief, with 45% following or being brought up in the Catholic belief. 3% recorded their religion as other or none.

Analysis undertaken by NISRA in respect of the Census results on religious belief/upbringing, identified that the industry sector which displayed the highest share of Protestants among people aged 16-74 in employment was agricultural, forestry and fishing; for which 64% were or had been brought up as Protestants, compared with 34% as Catholics.

In general small farms are headed by a member of the Catholic community, whereas large farms are headed by a member of the Protestant community.

**Table 4 - Farm size by religion[[10]](#footnote-10)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Farm Size** | | | | |
| **Religion** | **Very Small** | **Small** | **Medium** | **Large** | **All** |
| Catholic | 48% | 33% | 24% | 14% | 42% |
| Protestant and other Christian | 46% | 62% | 71% | 81% | 51% |
| Other/none/not stated | 6% | 5% | 5% | 5% | 6% |
| **Total** | 18617 | 3086 | 1276 | 1492 | 24471 |

The breakdown of sectors by religious background is set out in the table below. The geographical location of specific sectors of agriculture may also influence religious background. Data shows that sectors such as mushrooms, fruit and vegetables suggests that there may be high participation among employers and employees from the Catholic community.

**Table 5 - Farm type by religious background[[11]](#footnote-11)**

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Farm Type** | | | | | | | | | | | |
| **Religion** | **Cereals** | **General cropping** | **Horticulture** | **Pigs** | **Poultry** | **Dairy** | **Cattle sheep LFA** | **Cattle sheep lowland** | **Mixed** | **Other types** | **All** |
| Catholic | 16% | 21% | 41% | 17% | 30% | 20% | 55% | 26% | 18% | 31% | 42% |
| Protestant and other Christian | 79% | 73% | 50% | 74% | 66% | 75% | 39% | 67% | 76% | 58% | 51% |
| Other/ none/ not stated | 6% | 6% | 9% | 9% | 4% | 5% | 6% | 7% | 6% | 10% | 6% |
| **Total** | 332 | 325 | 310 | 222 | 462 | 2692 | 14608 | 4636 | 657 | 226 | 24470 |

* 1. **Political Opinion** evidence/information:

There is no data on the political opinion of those in the agriculture industry other than by using a proxy. Equality Commission monitoring guidelines for public authorities suggests that community background or religion is a reasonable proxy indicator for the Unionist and Nationalist divide.

As reported above, in the 2011 Census[[12]](#footnote-12), 42% of farmers in Northern Ireland were Catholic and 51% Protestant or another Christian religion. The remainder (6%) were of 'other' or no religion.

An analysis[[13]](#footnote-13) of National Identity by farm size, type and land characteristics as a proxy metric for political opinion. Overall, 44% of farmers reported their identity as British only, 26% as Irish only and 23% as Northern Irish only, with 8%[[14]](#footnote-14) stating another identity or a combination of more than one identity.

However, the religious profile varied across farm characteristics, with the proportions stating a British only identity increasing with farm size, from 40% of those in very small farms to 65% of those in large farms. A much higher proportion of those stating an Irish only or Northern Irish only identity farmed on very small farms (85% and 81% respectively) than those stating a British only identity (69%). In contrast, the proportion of those stating a British only identity farming on large farms (9%) was more than double that of those who stated Irish only (2%) or Northern Irish only (4%) identities.

High proportions of dairy farmers (62%) and those engaged in mixed farming (63%) stated a British only identity. More than three quarters of those describing their identity as Irish only (77%) and two-thirds of those with a Northern Irish only (68%) identity were engaged in cattle and sheep farming in Less Favoured Areas, compared to less than half (48%) of farmers of British only identity.

In contrast, those stating a British only identity were much more likely to be engaged in farming cattle and sheep in lowland areas, dairy farming, or other types of farming activity, than those stating an Irish only or Northern Irish only identity. Farmers with an Irish only identity were almost twice as likely to farm in Severely Disadvantaged Areas (55%) than farmers with a British only identity (28%).

The proportion of those with a Northern Irish identity farming in Severely Disadvantaged Areas was also very high at 48%. On the other hand, the proportion of those describing themselves as British only who farmed in lowland areas (39%) was more than twice that of those with an Irish only identity (15%) and much higher than those with a Northern Irish only identity (24%).

In the 2019 Westminster Elections[[15]](#footnote-15) 42.3% of the NI electorate voted Unionist; 38.9% Nationalist and other 18.8%. These figures will reflect the electorate turnout and may not be representative of the figure for society. In the 2017 Westminster election these figures were Unionist 49.2%; Nationalist 41.2%; Other 9.6%.[[16]](#footnote-16)

* 1. **Age** evidence/information:

The breakdown of age by farmers and farm workers in the Census 2011 is set out in the tables below.

**Table 6 - Farmers and farm workers by age[[17]](#footnote-17)**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **All usual residents aged 16 to 74 in employment (employees) with occupation codes 5111 and 9111** | **Farmers (Code 5111)** | **Farm workers (Code 9111)** |
| **Age** | **2,898** | **1,192** | **1,706** |
| Aged 16 to 17 | **130** | 42 | 88 |
| Aged 18 to 20 | **370** | 141 | 229 |
| Aged 21 to 24 | **431** | 181 | 250 |
| Aged 25 to 34 | **631** | 286 | 345 |
| Aged 35 to 44 | **515** | 213 | 302 |
| Aged 45 to 54 | **465** | 180 | 285 |
| Aged 55 to 64 | **256** | 100 | 156 |
| Aged 65 to 74 | **100** | 49 | 51 |

The total number of paid workers in agriculture in 2019 was c.6,738 (including full time, part time and casual workers)[[18]](#footnote-18). If the Census breakdown above is proportionately applied to the 2019 worker data (noting there are differences in definitions and thus the overall figures), it can be estimated that of the 6,738; 336 are aged 16 and 17; 875 are aged between 18 and 20; 1,010 are aged 21 to 24 and 4,514 are aged 25 and over.

[DAERA’s Equality Indicators Report](http://www.daera-ni.gov.uk/publications/equality-indicators-report) 2018[[19]](#footnote-19) shows that the agriculture sector reflects an older age profile. The average age of farmers in Northern Ireland was 59 years (the mean average age of the NI population is 38 years). Only 8% of farmers were aged under 40 years, and more than a third (36%) were aged 65 years or older.

There was little variation in the age profile of farmers by farm size, although farmers of very small farms (which account for three-quarters of all farms in Northern Ireland) had a slightly older age profile than those of larger farms. There was also little variation in age across farming activity type. However, farmers engaged in cattle and sheep farming, general cropping and horticulture had the oldest age profiles, while pig and poultry farmers had the youngest age profiles. Poultry farmers were around twice as likely to be aged under 40 as other farmers.

There was virtually no difference in age profile across land types. However, farmers aged under 40 were slightly more likely to farm in Severely Disadvantaged Areas than older farmers.

The breakdown by age for agricultural workers as follows:

**Table 7 - Agricultural workers by age[[20]](#footnote-20)**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Workers** | **Age Group** | **Male** | **Female** | **Total** | **% of total surveyed** (457) | **% applied to total agricultural workers 2019** (6,738)\* |
|  | Under 18 | 12 | 1 | 13 | 2.8 | 189 |
|  | 18 to 24 | 82 | 26 | 108 | 23.6 | 1590 |
|  | 25 to 29 | 56 | 15 | 71 | 15.5 | 1044 |
|  | 30 to 34 | 39 | 11 | 50 | 10.9 | 734 |
|  | 35 to 39 | 26 | 18 | 44 | 9.6 | 646 |
|  | 40 to 44 | 26 | 16 | 42 | 9.2 | 620 |
|  | 45 to 49 | 32 | 5 | 37 | 8.1 | 546 |
|  | 50 to 54 | 35 | 3 | 38 | 8.3 | 559 |
|  | 55 to 59 | 24 | 6 | 30 | 6.6 | 445 |
|  | 60 to 64 | 9 | 6 | 15 | 3.3 | 222 |
|  | 65 and over | 8 | 1 | 9 | 2 | 134 |
|  | **Total** | 349 | 108 | 457 | 100% |  |

\*Totals may not sum due to roundings

By applying the percentage of the total surveyed to the number of paid agricultural workers according to the [Agricultural Census 2019](http://www.daera-ni.gov.uk/publications/agricultural-census-northern-ireland-2019)[[21]](#footnote-21), as per the table above, the results are broadly in line with the similar calculation made in respect of the Census as above, accounting for differences in the age bands.

The agriculture industry in Northern Ireland tends to be dominated by older people with employees 41% are 55 or over, while only 9% are between 16-24 years of age. In respect of farm owners 57% are 55 or over, with only 1% are between 16-24 years of age. Using these figures as an indication of the young people engaged in the industry, approximately 415 people employed in agriculture in Northern Ireland are under 25 years of age. The number entering the industry each year is therefore likely to be considerably less than this.

* 1. **Marital Status** evidence/information:

According to the [2011 Census](https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-key-statistics-northern-ireland-report-11-december-2012.pdf)[[22]](#footnote-22) around 48% of the population were married or in a civil partnership, and 36% were single.

[DAERA’s Equality Indicators Report 2018](http://www.daera-ni.gov.uk/publications/equality-indicators-report)[[23]](#footnote-23) shows that almost three quarters (73%) of farmers were married, with the proportion of married farmers increasing with farm size; 84% of farmers of large farms were married, compared to 71% of farmers of very small farms. Conversely, twice as many farmers (18%) of very small farms were single as farmers of medium sized (9%) or large farms (9%).

Across farm activity types, a very high proportion of pig farmers (88%) and farmers engaged in horticulture (88%) in 2010-11 were married. Lowland farmers were slightly more likely to be married (77%) than farmers in Disadvantaged (73%) or Severely Disadvantaged (71%) Areas.

The breakdown of marital status by farmers and farm workers in the Census 2011 is set out in the tables below.

**Table 8 - Farmers and farm workers by marital status[[24]](#footnote-24)**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **All usual residents aged 16 to 74 in employment (employees) with occupation codes 5111 and 9111** | **Farmers**  **(Code 5111)** | **Farm workers**  **(Code 9111)** |
| **Marital or civil partnership status** | **2,898** | **1,192** | **1,706** |
| Single (never married or never registered a same-sex civil partnership) | **1,601** | 635 | 966 |
| Married or in a registered same-sex civil partnership | **1,131** | 504 | 627 |
| Separated (but still legally married or still legally in a same-sex civil partnership) | **42** | 11 | 31 |
| Divorced or formerly in a same-sex civil partnership which is now legally dissolved | **93** | 29 | 64 |
| Widowed or surviving partner from a same-sex civil partnership | **31** | 13 | 18 |

* 1. **Sexual Orientation** evidence/information:

DAERA does not hold data on sexual orientation in the agriculture sector. The [2011 Census](https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-key-statistics-northern-ireland-report-11-december-2012.pdf)[[25]](#footnote-25) did not collect data on sexual orientation, but indicated that 0.09% of the population were in a registered same-sex civil partnership.

The [Office for National Statistics (ONS) Annual Population Survey 2018](http://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualidentityuk/2018)[[26]](#footnote-26) shows that for Northern Ireland, the percentage of people identifying as lesbian, gay or bisexual was 1.2% compared to England (2.3%), Wales (2.4%) and Scotland (2.0%). The UK average in 2018 was 2.2%, which has increased from 1.6% in 2014.

The [2013 NI Life and Times Survey (NILT)](http://www.ark.ac.uk/nilt/2013/Background/ORIENT.html)[[27]](#footnote-27) found that 96% of people in NI are heterosexual and 1% are homosexual.

Both of the above surveys indicate a similar percentage of LGB persons (1.2% and 1%). However this is considerably lower than in other UK regions and it is not possible to say with any certainty if these figures are representative of the agriculture sector. In the absence of other figures, these figures are considered the best available proxy.

* 1. **Men & Women Generally** evidence/information:

[DAERA Equality Indicators Report 2018](http://www.daera-ni.gov.uk/publications/equality-indicators-report)[[28]](#footnote-28) indicates that 9% of principal farmers were female. Female farmers were more likely than their male counterparts to farm on very small farms, 87% of women farmers had small farms compared to 75% of male farmers. Farmers engaged in 'Other types' of farming (such as running specialist horse farms) were twice as likely to be women as were farmers engaged in other activity types.

A higher proportion of female (86%) than male farmers (78%) were engaged in cattle and sheep farming, and a much lower proportion (4% of female compared to 12% of male farmers) were dairy farmers. Female farmers were also more likely to farm in Less Favoured Areas.

Forty-four percent of women farmers farmed in Severely Disadvantaged Areas compared to 39% of male farmers. Some of the gender differences in farm characteristics may be partly due to the differing age profiles of male and female farmers. Female farmers had an older age profile than their male counterparts, with 4% of female farmers aged under 40, compared to 8% of male farmers, and 45% of female farmers aged 65 or over, compared to 35% of male farmers.

Almost 24%[[29]](#footnote-29) of paid agricultural workers are female compared with 76% of males, reducing significantly to 5% female and 95% male in the 45+ age group.

The [Agricultural Census 2018](http://www.daera-ni.gov.uk/sites/default/files/publications/daera/Agricultural%20Census%202018%20final%20results.PDF)[[30]](#footnote-30) shows that of the 12,000 employees, there is greater participation by males, approximately 84% are male and 16% are female. The 2018 Census gives the figure for farmers as approximately 8% female and 92% male.

The [EU Farm Structure Survey 2016](https://www.daera-ni.gov.uk/sites/default/files/publications/daera/17.18.088%20EU%20Farm%20Structure%20Survey%202016%20V2.pdf)[[31]](#footnote-31) gives the figure for the female workforce, including farmers and employees, as 24%, while for farmers only the female figure is 4% (meaning 20% are likely to be employees).

* 1. **Disability** evidence/information:

In Northern Ireland it is estimated that 22%[[32]](#footnote-32) of the population have some form of disability. Amongst farmers this figure is slightly higher, with 26% reporting they suffer from some form of disability[[33]](#footnote-33).

In [DAERA’s Equality Indicators Report 2018](http://www.daera-ni.gov.uk/publications/equality-indicators-report)[[34]](#footnote-34), almost a third (30%) of farmers stated that they had a long-term illness or disability which limited their daily activities, with the incidence of disability inversely related to farm size. The proportion of farmers of very small farms stating that their activities were limited a lot (16%) was twice that of farmers of large farms (8%).

Farmers in disadvantaged areas (16%) were slightly more likely than lowland farmers (12%) to state that their activities were limited. Some of the differences in farm characteristics by disability may be partly due to the variation in age profiles of those with and without disabilities. The incidence of those reporting that their activities were limited either a little or a lot rises steeply with age.

The breakdown of disability by farmers and farm workers in the Census 2011 is set out in the table below. This highlights that for farmers and farm workers, almost 3% consider their day-to-day activities are limited a lot, almost 5% are limited a little and almost 93% are not limited.

**Table 9 - Farmers and farm workers with a disability[[35]](#footnote-35)**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **All usual residents aged 16 to 74 in employment (employees) with occupation codes 5111 and 9111** | **Farmers**  **(Code 5111)** | **Farm workers**  **(Code 9111)** |
| **Long-term health problem or disability** | **2,898** | **1,192** | **1,706** |
| Day-to-day activities limited a lot | **78** | 22 | 56 |
| Day-to-day activities limited a little | **134** | 50 | 84 |
| Day-to-day activities not limited | **2,686** | 1,120 | 1,566 |

* 1. **Dependants** evidence/information:

The [2011 Census](https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-key-statistics-northern-ireland-report-11-december-2012.pdf)[[36]](#footnote-36) of Northern Ireland showed that 34% of family households contained dependent children.

The [DAERA Equality Indicators Report 2018](http://www.daera-ni.gov.uk/publications/equality-indicators-report)[[37]](#footnote-37) found that two fifths (40%) of all farm households contained children under 18 years old/elderly/disabled people, or both. Households of medium sized farms were slightly more likely than smaller or larger farms to contain dependants as were the households of farmers engaged in pig, poultry or mixed farming. Farm households in Disadvantaged Areas (41%) were slightly more likely than those in lowland areas (38%) to contain dependants.

**Table 10 - Dependants by farm size[[38]](#footnote-38)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Farm Size** | | | | |
| **Dependants** | **Very Small** | **Small** | **Medium** | **Large** | **All** |
| No dependants | 60% | 59% | 55% | 60% | 60% |
| One or more dependants | 40% | 41% | 45% | 40% | 40% |
| Total | 18228 | 2992 | 1247 | 1428 | 23895 |

**Table 11 – Dependants by farm type[[39]](#footnote-39)**

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Farm Type** | | | | | | | | | | |
| **Dependants** | **Cereal** | **Crop** | **Horti -culture** | **Pigs** | **Poultry** | **Dairy** | **Cattle sheep LFA** | **Cattle sheep lowland** | **Mixed** | **Other types** | **All** |
| No dependants | 70% | 63% | 66% | 53% | 52% | 58% | 59% | 63% | 56% | 64% | 60% |
| One or more dependants | 30% | 37% | 34% | 47% | 48% | 42% | 41% | 37% | 44% | 36% | 40% |
| **Total** | 328 | 323 | 305 | 215 | 457 | 2616 | 14245 | 4539 | 642 | 226 | 23895 |

1. **STEP 3: ASSESSMENT OF EQUALITY IMPACTS**

In line with DAERA’s equality duties, as outlined earlier, this consultation proposal has been considered against four key questions:

* **What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?**
* **Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?**
* **To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group?**
* **Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?**

Commentary and analysis in relation to these considerations is provided below.

* 1. ***Religious Belief***

The evidence gathered to date indicates that, while differences in the level of participation exist in agriculture and horticulture, by farm size and type and geographical location, no specific needs or impacts have been identified in relation to this proposal and there is no evidence to suggest that the proposal would result in a significant differential impact in terms of religious background. We would welcome any comments on this point.

* 1. ***Political Opinion***

As outlined above, community background and national identity are used as a reasonable proxy indicator for political opinion in Northern Ireland. Therefore, we consider that the conclusion in relation to religious beliefs above can be applied with regard to political opinion. No specific needs or impacts have been identified in relation to this proposal and there is no evidence to suggest that the proposal would result in a significant differential impact in terms of political opinion. We would welcome any comments on this point.

* 1. ***Racial Group***

The evidence gathered to date has been assessed and suggests that there is potential for minor adverse impact. The 2011 Census found that over 98% of the population state their ethnic origin to be White[[40]](#footnote-40) and under 1.3% of Non-White minority ethnic groups of Black, Asian and Other live in rural areas. For those recorded in agricultural occupation codes, over 99.6% were reported to be White[[41]](#footnote-41).

There is potential that the policy may have an adverse impact on seasonal migrant workers, who may be subject to a lower rate of pay under the National Minimum Wage legislation, than would currently be the case under the AWB grade-based pay regime. Workers under the age of 20 would be most likely to be affected.

The DAERA survey of [Migrant Labour in Northern Ireland Agriculture in 2018](http://www.daera-ni.gov.uk/sites/default/files/publications/daera/Migrant%20Labour%20in%20NI%20Agriculture.pdf)[[42]](#footnote-42) reports that there were an estimated 1,404 seasonal and non-seasonal workers from outside the UK and Ireland employed in agriculture in Northern Ireland. Of these, 1,397 were from EU countries and 7 were from the rest of the world (RoW). Migrant labour accounted for 20 per cent of the NI paid agricultural workforce (1,370 of 6,850 workers).

Because a significant proportion of migrant workers are likely to be seasonal workers, this would indicate that, potentially, there could be an adverse impact in relation to racial background, as new workers would be more likely to be subject to the National Minimum Wage pay regime if this proposal is implemented. It is also likely that seasonal workers may have a lower age profile compared with the resident agricultural population. However it is not possible to determine from the available data the precise ages of migrant workers or therefore which pay threshold they would fall into in the event of age-related pay under the National Minimum Wage regime. The youngest age categories are likely to be most adversely affected by the change in pay regime due to the lower pay rates for the under 20s age group in particular.

Seasonal workers are also more likely to perform work at the lower skilled grades of the current AWB pay regime and this has recently been highlighted by the industry who have raised concerns regarding the impact of EU Exit and the stricter skills threshold needed to recruit workers. Again, younger workers at these grades are more likely to be affected. Minimum rates of pay would be on the same basis as those in other racial groups and of a similar age. This also applies to other sectors that are already subject to the NMW legislation.

Migrant workers are also more likely face additional barriers in relation to language and a lack of local networks or connections.

We would welcome any comments on these points.

* 1. ***Age***

The evidence to date suggests there is potential for significant impacts for agricultural workers on the basis of age. In particular those under the age of 20 who may receive a lower rate of pay under the National Minimum Wage regulations. There is potential for a positive impact for agricultural workers at Grades 1 and 2 of the current pay regime for workers aged 21 and over who would receive a higher rate of pay under the National Minimum Wage. Workers at these grades, aged over 23 would receive the substantially higher National Living Wage rate.

The outcome of the proposal, if implemented, would bring the agricultural sector into line with the rest of the economy with regard to employment law. While minimum wage protections would remain in place, the main effect of the abolition of the AWB will be the removal of the agricultural minimum wage, which would be replaced by the National Minimum Wage (NMW) and National Living Wage (NLW). As the NMW & NLW are age dependant this will mean that the minimum wage for some agricultural workers in lower age bands will be less than under the current grade-based AWB system.

For agricultural workers aged 18-20 this could amount to 39p less per hour and £2.33 less for under 18s. 5% of those classified under the agricultural workers code in the 2011 Census were aged 16 and 17. 13% were aged 18 - 20. If these percentage figures are applied to the more recent paid labour figures from the Agricultural Census 2019, this would equate to c. 337 and 875 employees respectively who could potentially face a lower rate of pay until the age of 21. This is more likely to be an issue for new workers in future, than for existing workers who may be under contract. Minimum rates of pay would be on the same basis as those of a similar age in other sectors that are already subject to the NMW legislation, but on lower rates than their predecessors. Standard workers (Grades 1 and 2) aged 21+ would benefit from a higher rate of hourly pay under the NMW legislation.

The higher National Living Wage rate has been expanded to encompass people aged 23+ on 1 April 2021 (previously this applied to 25+) with a target that it is further expanded to the 21+ age group by 2024, which would have a positive impact on workers at standard grades in this age group.

It is not expected or considered likely that the minimum thresholds under the NMW would become the default level of pay for all agricultural workers, as it does not reflect other applicable factors which usually influence pay rates such as existing contracts, skills, experience and retention of skilled staff etc. It is expected that existing contracts with workers would be honoured and existing employees would not therefore be affected immediately. In the long term it would be expected that the NMW rate would be adopted for new agricultural workers. The Ulster Farmers Union, as representatives of agricultural employers, has indicated that it would expect that agricultural pay rates above entry level will continue to follow a grade-based structure with progression reflecting skills and experience, similar to the current AWB regime, although these rates will not be mandatorily set which also leaves potential for pay rates to be lower, subject the National Minimum and Living Wage rates.

With potentially lower minimum thresholds in place under the NMW, there is also potential that this could place downward pressure over the longer term on the pay rates for all agricultural workers. Unite the Union has suggested that, following the abolition of the AWB in England in 2013, there has been a detrimental effect on wages overall. Further information and available evidence is being sought. There is some evidence to suggest that a significant proportion of agricultural workers may receive a higher rate of pay than the current AWB minimums require either through their entitlement to the NLW (which is higher than the AWB standard rate) and figures outlined in the Annual Survey of Hours and Earnings [[43]](#footnote-43), which indicates an average wage of £9.11 (median) or £10.05 (mean) per hour. This figure should be treated with some caution as it has a wider application encompassing agriculture, forestry and fishing, however given the small size of these additional sectors, it is considered to be a reasonable estimate for agriculture.

There would be benefits to agricultural workers at Grades 1 and 2 (entry/lower level grades), who are aged 21+, under the proposal as the National Minimum Wage for this age group is higher than the hourly pay rate payable under the current AWB pay regime. Workers at these grades aged over 23 would receive the markedly higher National Living Wage hourly pay rate. (Workers under the age of 20 are not expected to benefit and the impacts on this group are detailed in the evidence below).

We would welcome any comments on these points.

* 1. ***Marital Status***

No adverse equality impacts have been specifically identified for this group. However, it is recognised that married persons could be indirectly affected by the proposal. Evidence regarding marital status suggests that 73% of farmers and 57% of agricultural workers are married. Should any worker be adversely impacted by any change to the current AWB structure, this could impact on their spouse or dependents in terms of household income. As it is also anticipated that younger workers are most likely to be impacted by this proposal, it may be less likely that they would be married or in a civil partnership.

We would welcome comments on this point.

* 1. ***Sexual Orientation***

No specific needs or issues have been identified in relation to this proposal and there is no evidence to suggest that the proposal would result in a significant differential impact in terms of sexual orientation.

We would welcome any comments on this point.

* 1. ***Men and Women Generally***

The evidence gathered indicates that while significant differences in the level of participation between men and women exist in agriculture and horticulture, no specific needs or issues have been identified in relation to this proposal and there is no evidence to suggest that the proposal would further contribute to the existing imbalance in gender, which results in men being more likely to be affected by the proposal. This male-female imbalance is indicative of the continuing trend for sons to inherit farms and the manual nature of the sector, which has traditionally meant that it is a predominantly male sector of employment.

It is also recognised that spouses/partners could be indirectly affected by the proposal on a similar basis to marital status and dependants, and based on the gender statistics for the sector, women are more likely to be in this group.

Agricultural and horticultural workers statutory maternity rights are covered by the Employment Rights Order (Northern Ireland) 1996. Workers are entitled, dependent on certain conditions, to Statutory Maternity Pay (SMP) for a total of 39 weeks. This is made up of 6 weeks at 90% of the average gross weekly earnings (the higher rate) and 33 weeks at the lower rate of SMP (currently £151.97) or 90% of your average weekly rate if this is less than £151.97. This would impact on workers earning higher rates of agricultural wages who would receive less SMP if there was a change to the NMW wage rate.

We would welcome any comments on these points.

* 1. ***Disability***

There is a higher level of disability amongst farmers than amongst the rest of the economically active population within NI, however 93% considered that there day-to-day activities were not limited. No specific needs or issues have been identified in relation to this proposal and there is no evidence to suggest that the proposal would result in a significant differential impact in terms of disability.

We would welcome any comments on this point.

* 1. ***Dependants***

No adverse equality impacts have been specifically identified for this group. However, it is recognised that dependants could be indirectly affected by the proposal. Approximately 40% of all farm households contained children under 18 years old, elderly disabled people, or both. Should any worker be adversely impacted by any change to the current AWB structure, this could impact on their dependants, particularly in terms of household income. As it is also anticipated that younger workers are most likely to be impacted by this proposal, they may be less likely to have any dependants or multiple dependants.

We would welcome comments on this point.

* 1. ***Impact on people with multiple identities***

As set out in the evidence above, due to the existing profile of the agriculture and horticulture sector the assessment has identified that there is evidence of higher and lower levels of participation across multiple S75 categories including:

* Racial Group, Age, Disability, Gender and Religion
  + Older, White protestant males have a higher representation overall in the agriculture sector, however there is variation on a sectoral and geographical basis and there is a higher than average rate of disability
* Gender, Marital Status, Dependants, Men and Women Generally
  + It is also recognised that there could be an indirect impact of the proposal on these S75 groups. Given the higher representation of men in the agriculture and horticulture sector, their marital and dependant status, any impact on pay and conditions could therefore impact on the spouse/partner and any dependants. It should also be noted that statistically speaking these groups have a higher representation in relation to farmers and therefore employers, who are not expected to experience a negative impact as a result of this proposal.

The draft assessment found that this reflects the profile of agriculture and no specific needs or issues have been identified for the above groupings in relation to this proposal and there is no evidence to suggest that the proposal would further contribute to any existing imbalances for people with multiple identities.

Two further groups with multiple identities may however be impacted by this proposal.

* Gender and Age
  + There is a higher proportion of younger males represented in the agricultural worker group, than across the farmer or employer group. The proposal would see the existing minimum wage regime move from grade-based pay to age-based pay, which has lower rates for younger, and therefore newer, workers, in particular those under the age of 20. The current National Minimum Wage for age 21+ is higher than the entry Grades 1 and 2 under the AWB pay regime. The higher National Living Wage rate has been expanded to encompass people aged 23+ on 1 April 2021 (previously this applied to 25+) with a target that it is further expanded to the 21+ age group by 2024.
* Racial Group and age
  + There is a notable representation of seasonal migrant workers in the agriculture and horticulture sector. As these workers are seasonal and transient, they would be considered new entrants (i.e. not permanent workers or workers currently under contract) and therefore more likely to be subject to the age-based minimum rates under the proposals. On a similar basis to the above newer workers, in particular those under the age of 20 would be subject to a lower rate of pay under the NMW. The current National Minimum Wage for age 21+ is higher than the entry Grades 1 and 2 under the AWB pay regime. The higher National Living Wage rate has also been expanded to encompass people aged 23+ on 1 April 2021 (previously this applied to 25+) with a target that it is further expanded to the 21+ age group by 2024.

**Summary of conclusions on the analysis of equality impacts and opportunities**

DAERA has concluded, in relation to the four key points set out at Section 6 above and based on an analysis of the information and evidence:

* That there are likely to some differential impacts on some of the equality groups, in particular on ‘age’ and ‘racial background’. The likely impacts outlined in detail above, show that these groups are more likely to be subject to the lower pay thresholds based on age under the National Minimum Wage.
* There may be an opportunity to better promote equality of opportunity for people within the Section 75 equality categories through the provision of information in other languages.
* The proposal is not likely to have any significant impact on good relations between people of a different religious belief, political opinion or racial background. If the proposal is agreed, notwithstanding there may be a differential impact with regard to pay rates, the simplification of applicable employment legislation could lead to a clearer understanding of rights and responsibilities between employer and employees, which could indirectly impact on relations between people of a different religious background.
* There may be opportunities to better promote good relations between people of different racial groups by providing information in other languages which would help people to understand their rights.

1. **Step 4: Consideration of Measures which might mitigate any adverse impact and Alternative policies which might better achieve the promotion of equality of opportunity**

This section looks at the impacts identified at Step 3 and considers if there are mitigating measures or alternative policies which might better achieve the promotion of equality of opportunity.

The proposal reflects changes in the operating context of the agriculture sector since the Agricultural Wages regime was originally set up. It proposes to simplify the legislative landscape and place the agriculture sector on the same footing as all other sectors, reducing duplication and the regulatory and administrative burden for agricultural employers, while maintaining similar protections for agricultural workers (although these may potentially be at different levels or thresholds). The proposal is viewed to be the most appropriate route of achieving these aims.

The likely impact of the proposal in relation to the Section 75 ‘Age’ category has been assessed as having the potential to have a ‘major’ impact on some of this group, the impact for new worker who are under the age of 20 is more likely to adverse, while for those aged 21-22 in entry/lower levels jobs (Grades 1 and 2 under the current AWB system) are likely to benefit from a higher hourly pay rate. Those aged 23+ in these grades would receive the higher National Living Wage hourly rate.

A potential impact was also identified in relation to racial group by age on a similar basis to above, which would potentially affect younger, seasonal migrant workers who are less likely to be existing workers and who would therefore be subject to the National Minimum Wage rates under this proposal. This has been assessed as minor, as the impact primarily takes effect in relation to ‘age’, as the NMW is age based.

It is acknowledged that small numbers is not an indication that there are no potential adverse impacts and small numbers of people can be significantly impacted upon by a policy decision.

* 1. **Measures which may help to mitigate adverse impact**

The Ulster Farmers Union, as representative of agricultural employers, has indicated that it is intended, while not mandatory, to continue to recognise and operate a grade-based pay structure. If implemented, this would mitigate against potential adverse impacts for all but the new recruits and casual workers. However the future behavior of employers cannot be predicted with any certainty and the removal of the mandatory AWB provisions in favour of the National Minimum Wage could also potentially create downward pressure on wages. National Minimum Wage rates are also a mitigating factor to some extent, however the younger workers in these groups remain likely to be adversely impacted due to the age-based pay under the NMW. There may also be a resulting imbalance between the rates of pay of existing employees and new recruits. It is also noted that a number of agricultural employees may not have existing contracts and as the system would not be mandatory, potential would remain for pay rates to be lower across the grades subject to the NMW/NLW minimums (which are higher in some cases).

The Low Pay Commission has recommended a target of lowering the qualifying age threshold for the National Living Wage to 21 by 2024, which could help to reduce any potential adverse impact for workers in this category. National Minimum and Living Wage rates will be monitored.

DAERA, through the College of Agriculture, Food and Rural Enterprise (CAFRE), offers a range of educational and training opportunities for young people. This may help them to gain skills and formal qualifications which may help to command higher pay and remuneration and progress their career. The DAERA Minister has recently announced extending support to grant funding for part-time Further Education (FE) students at CAFRE; raising the lower household income threshold and maintaining the upper household income threshold at its current level. In addition, the Minister also decided to maintain the current policy of not charging for FE courses at CAFRE.

DAERA will seek to engage with organisations and individuals representing the interests of minority backgrounds. This will include making information available in other languages/formats as required.

DAERA will also continue to monitor the wider issues around EU Exit and immigration requirements.

* 1. **Other Mitigation Measures**

The Department will continue to routinely monitor and publish related statistical information, including data on Section 75 groupings. In particular the Census 2021 data will be reviewed when it becomes available, expected in 2022, alongside the ongoing statistical monitoring.

DAERA’s ‘Tackling Rural Poverty and Social Isolation Framework’ (TRPSI) aims to improve the quality of life of people in rural areas through the development and implementation of initiatives which help tackle rural poverty and social isolation. The DAERA Minister has secured a total TRPSI budget of £5.5m for 2020/21, which will support a range of interventions in rural areas.

DAERA’s Rural Development Programme continues to support a wide range of rural projects and initiatives. DAERA is also developing a new Rural Policy Framework to shape future rural priorities. The Framework is expected to be issued for public consultation in due course.

**Any mitigation considerations raised will be examined following the period of consultation and will be considered prior to finalising this impact assessment. Comments would be welcomed in this regard.**

1. **Conclusion and how to respond**

We welcome comments on all aspects of this document, and in particular on the assessment of impacts and the consideration of measures which might mitigate any adverse impact and which might better achieve the promotion of equality of opportunity.

The consultation on the draft EQIA will commence on **13 May 2021 and close on 5 August 2021** in accordance with the DAERA Equality Scheme. (Please note the wider consultation on the policy proposals will close on **8 July 2021**).

All consultees, groups and members of the public can comment on this EQIA in a number of ways, as follows:

**You are invited to submit your response as part of the consultation on the policy proposals through Citizen Space (between 14 May and 8 July 2021) at:**

[**https://consultations.nidirect.gov.uk/daera-central-services-contingency-planning/agricultural-wages-order-1977**](https://consultations.nidirect.gov.uk/daera-central-services-contingency-planning/agricultural-wages-order-1977).

Alternatively you can respond:

By adding your comments directly into this document at Annex 4, attach it to an email and send it to: [**AWBconsultation@daera-ni.gov.uk**](mailto:AWBConsultation@daera-ni.gov.uk).

By E-mail: [**AWBconsultation@daera-ni.gov.uk**](mailto:AWBconsultation@daera-ni.gov.uk).

By telephone: (028) 9052 4613

By textphone: 18001 028 9052 5031

**In view of the current restrictions please contact us as above if you wish to provide a written response in hard copy.**

**A range of alternative formats are available upon request. Please email the Department at:** [**AWBconsultation@daera-ni.gov.uk**](mailto:AWBConsultation@daera-ni.gov.uk)**; call 028 9052 4613 or use the textphone service at 18001 028 9052 5031 in order to make the necessary arrangements.**

When you reply, it would be helpful if you would confirm whether you are responding as an individual or submitting an official response on behalf of an organisation.

If you are responding on behalf of an organisation please include:

* Your name.
* Your position (if applicable).
* The name of your organisation.
* An address (including postcode).
* An email address.

In order to supplement your written submissions, the Department will be happy to discuss the document directly. Given the current restrictions on travel and face to face meetings, the Department will seek to do this remotely. If you wish to discuss your response, please e-mail the address, or call the number, above as soon as possible, and we will seek to make the appropriate arrangements.

As previously detailed, the EQIA consultation period will commence on **13 May 2021** and will last for 12 weeks, closing on **5 August 2021**, in accordance with DAERA’s Equality Scheme. (Consultation on the policy proposals will close on 8 July 2021).

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

Section 8(e) of the Data Protection Act 2018 permits processing of personal data when necessary for an activity that supports or promotes democratic engagement. Information provided by respondents to this stakeholder engagement exercise will be held and used for the purposes of the administration of this current exercise and subsequently disposed of in accordance with the provisions of the Data Protection Act 2018 and the General Data Protection Regulation. For more information and to view the DAERA Privacy Statement please go to: <https://www.daera-ni.gov.uk/publications/daera-privacy-statement-document>

The FOI Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential, information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential. If you do not wish information about your identity to be made public please include an explanation in your response including any harm you believe such a disclosure might cause.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances.

If you require further information about the confidentiality of responses, you may contact the DAERA at the email address above or contact the Information Commissioner’s Office (or see website at [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk/)).

Once the public consultation is complete and the results analysed, the draft Equality Impact Assessment and the policy proposals will be examined in relation to the responses received. We will publish the final version of this EQIA following completion of the analysis of responses to the public consultation.

The Department extends its thanks to all contributors for taking time to respond and input to this impact assessment and consultation.

Annex 1

Current Agricultural Wage rates from 1 April 2021

The hourly pay rates set by the AWB are based on job role in a graded system. As of 1 April 2021, these are:

|  |  |
| --- | --- |
| **Grades** | **Rate per hour (£)\*** |
| **Grade 1** (for first 40 weeks cumulative employment) | 6.95 |
| **Grade 2 standard worker** | **7.49** |
| **Grade 3** lead worker | 8.91 |
| **Grade 4** craft grade | 9.58 |
| **Grade 5** supervisory grade | 10.09 |
| **Grade 6** farm management grade | 10.95 |

\*Hourly rate before tax and national insurance deductions

Legislation implemented since the creation of the AWB in Northern Ireland prevents the Board setting a rate lower than National Minimum Wage (NMW) or National Living Wage (NLW), which has been in place since 1998.

Annex 2

Current National Minimum and Living Wage Rates 2021

The current National Minimum Wage (NMW) & National Living Wage (NLW) rates are age-based. From 1 April 2021 are:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **23+** | **21 to 22** | **18 to 20** | **Under 18** | **Apprentice** |
| £8.91 | £8.36 | £6.56 | £4.62 | £4.30 |

The NLW was introduced in April 2016 for all working people aged 25 and over. This age threshold has been lowered to 23 and over as of 1 April 2021. The NMW for those under 23 still applies. The Government has a target of lowering the NLW threshold to 21+ by 2024.

The NMW rate applies from 1 October each year. It is applicable across all employment sectors apart from agriculture, which is the only sector here to have a separate rate structure.

Objective justification for age rates in the NMW structure have included the experience and skills acquired by older workers, the aim of encouraging loyalty, economic factors such as business need and efficiency, health, welfare and the safety of the individual (including protection of younger and/and older workers), and particular training requirements of the job. Employers may not pay a different amount to employees in the same age category.

**Annex 3**

**DATA SOURCES**

[Farm Labour Statistics in Northern Ireland from 1981 to 2019](http://www.daera-ni.gov.uk/publications/farm-labour-statistics-northern-ireland) : www.daera-ni.gov.uk/publications/farm-labour-statistics-northern-ireland

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[Office for National Statistics - Index of Labour Costs per Hour (2019)](http://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/indexoflabourcostsperhourilchseasonallyadjusted) :

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[Continuous Household Survey 2018/2019](http://www.daera-ni.gov.uk/publications/continuous-household-survey) www.daera-ni.gov.uk/publications/continuous-household-survey

[Northern Ireland Rural Development Programme (NIRDP) 2014 - 2020 Section 75 Report 2020](http://www.daera-ni.gov.uk/publications/northern-ireland-rural-development-programme-nirdp-2014-2020-section-75-report-2020) www.daera-ni.gov.uk/publications/northern-ireland-rural-development-programme-nirdp-2014-2020-section-75-report-2020

DAERA Statistical Review of NI Agriculture 2019 www.daera-ni.gov.uk/sites/default/files/publications/daera/Stats Review 2019 final.pdf

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[Defra Consultation on the Future of the Agricultural Wages Board for England and Wales 2012 and related impact assessments](https://www.gov.uk/government/consultations/the-future-of-the-agricultural-wages-board-for-england-and-wales-and-agricultural-wages-committees-and-agricultural-dwelling-house-advisory-committees-in-england) www.gov.uk/government/consultations/the-future-of-the-agricultural-wages-board-for-england-and-wales-and-agricultural-wages-committees-and-agricultural-dwelling-house-advisory-committees-in-england

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**Annex 4**

**TEMPLATE FOR EMAIL RESPONSE**

**Comments on the EQIA are welcomed from 13 May 2021 until 5 August 2021.**

You are invited to submit your response as part of the wider consultation on the policy proposals between **14 May and 8 July 2021** through Citizen Space at the link below:

<https://consultations.nidirect.gov.uk/daera-central-services-contingency-planning/agricultural-wages-order-1977>.

Alternatively you may add your responses and comments on the EQIA directly into the space below, attach it to an email and send it to: [AWBconsultation@daera-ni.gov.uk](mailto:AWBConsultation@daera-ni.gov.uk) between **13 May and 5 August 2021.**

**Q: Do you have any comments or additional information you wish to add in relation to the analysis of the accompanying Equality Impact Assessment?**

**Yes or No?**

**If you have answered yes above, please provide your comments here.**

(Please continue on a separate sheet as necessary)

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