Schedule 1 - Terms and conditions of service for stable employees

MEMORANDUM OF AGREEMENT BETWEEN THE NATIONAL TRAINERS FEDERATION & THE NATIONAL ASSOCIATION OF STABLE STAFF

PREAMBLE

1. The Agreement provides for a Racing Industry Minimum Rates of Pay Structure and certain standard conditions of employment for stable staff employed by trainers in the racing industry. **The Agreement is effective 1st December 2011 until 30th September 2012.**

RACING INDUSTRY MINIMUM RATES

2.1 The Grade A Racing Industry Minimum Rate for 40 hours for stable staff will be **£276.98** subject to the following conditions:-

2.2 staff have completed seven years continuous service in racing: or
2.3 staff have completed five years continuous service in racing and achieved NVQ Level 3 **or Level 3 Diploma in Work Based Racehorse Care and Management**.

3. The Grade B/C Racing Industry Minimum Rate for 40 hours for stable staff aged **21** or over will be **£243.20**

4. The Grade B/C Racing Industry Minimum Rate for 40 hours for stable staff aged **18 - 20** will be **£199.20**

5.1 The Grade D Racing Industry Minimum Rate for 40 hours for stable staff aged 16 and 17 **will** be:

5.2 for Grade D employees with no qualifications or NVQ1 **or Level 1 Diploma in Work Based Horse Care or Work Based Racehorse Care and Riding £147.20**

5.3 for Grade D employees with NVQ2 **or Level 2 Diploma in Work Based Racehorse Care and Management £175.99**

HOURS OF WORK

6. The normal working week shall be 40 working hours (excluding meal breaks) starting on Monday morning and ending 12.45pm on Saturday, i.e., working 40 hours over a five and one half days period. (There is no set pattern on how a yard should work these hours, and provided that the 40 hours is spread over a five and one half day period the operation of these hours shall be accepted in contract form).

7. Having regard to the nature and requirements of the industry, stable staff shall work during weekends, subject to their right to one weekend in two free from duties on a rota basis and in the case of young workers (defined as those that have attained the age of 15 but not the age of 18) subject to the provisions of the Working Time Regulation 1998 as amended by the Working Time (Amendment) Regulations 2002. Variations of this arrangement can be made providing it is agreed domestically.

8. The Working Time Regulations 1998 sets out that an adult worker's maximum weekly working time should not exceed an average of 48 hours for each seven days applied over a 17 week reference period. The NTF and NASS reached a collective agreement that the 17 week reference period be replaced with a 52 week reference period, i.e. that the employee's total annual hours (including overtime and time worked away from the yard) should not exceed an average of 48 hours per week.

Individual employees whose working time is likely to exceed an average of 48 hours over 52 weeks can be excluded from the weekly limit provided they sign an opt out agreement.

OVERTIME (IN THE YARD)

9. Overtime for time worked in the yard will be paid at the rate of time and one half for each hour worked outside of the normal finishing times Monday to Friday inclusive, and for each hour worked after normal finishing time on Saturday. Overtime shall be paid at the rate of double time on Sunday (outside of the 3 hours allowed for within the Consolidated Wage).

CONSOLIDATED WAGE

10. Overtime worked on rota weekends on will be averaged so that stable staff receive the same wage each week whether working or not. This shall be called the Consolidated Wage.

11.1 Where it is the custom and practice to work 5 hours overtime (this may vary but is calculated as 2 hours Saturday evening and 3 hours Sunday) on one weekend in two, stable staff will be paid a consolidated wage as follows:

Grade A, **£308.37**
Grade B/C, 21+ years, **£270.56**

Grade B/C, 18-20 years, **£221.61**
Grade D, 16-17 years NVQ 2/Level 2 Diploma, See 11b
Grade D, 16-17 years NVQ 1/Level 1 Diploma/No Qualifications, See 11b

11.2 Working Time legislation limits the maximum working week for 16 and 17 year old workers to 8 hours a day and 40 hours a week, although there are certain permitted exceptions whereby the limit may be exceeded. Further guidance on the legislation and the exceptions are available for NTF members from the NTF office.

12. Stable Staff who have been absent part of the week through sickness will not be required to work 40 hours before receiving overtime.

PAYMENT FOR TIME WORKED AWAY FROM THE YARD

13. The Government National Minimum Wage legislation states "time when a worker is travelling on the business of his employer in connection with duties carried out by the worker in the course of work time shall be treated as being work time whether or not the travelling takes place during his working hours".

14. Stable staff are to be paid for time worked away from the yard outside of normal hours. Time worked away from the yard in excess of the normal daily working hours should be paid at £6.50 per hour Time worked away from the yard within the normal daily working hours is paid at the normal rate of pay.

These payments are liable for tax and National Insurance deductions and should be put through the payroll.

15. Stable staff will receive a £15.00 overnight allowance. (Note this payment is tax free).

16. Stable staff returning from racing after midnight shall not be required to start work until 9.30 am; if staff are asked to start before 9.30am it is agreed that they will be paid at the rate of time and one half for each hour worked before that time. **Where an employee returning from racing after midnight elects not to start work before 9.30 am, paid time will begin from when the employee begins to work not the normal start time and any adjustment to pay for unworked time before 9.30am must be made at the employee's normal hourly rate, not the £6.50 per hour rate for time worked away from the yard or at time and a half**.

17.1 Stable staff, who are off-rota, travelling on Sunday to race on a weekday shall be entitled to receive a day in lieu.

17.2 Stable staff, who are off-rota, who go racing to a Saturday evening race fixture shall be entitled to receive a paid weekday evening off in lieu, the weekday evening to be mutually agreed between the parties.

18. A daily subsistence allowance is to be paid to staff going racing Monday through to Saturday. This is tax free and may be paid in cash in advance to enable staff to buy refreshments. The rate of the daily subsistence allowance is based on the number of hours away from the yard outside of normal working hours:

18.1 Up to 6 hours: Daily Subsistence Allowance £7.00
18.2 6 hours or over but less than 8 hours: Daily Subsistence Allowance £9.00
18.3 8 hours or over: Daily Subsistence Allowance £12.00.

PENSIONS

19. The employer is required to contribute towards a pension scheme in respect of each full time paid employee who is 18 years of age or over and is under 65 on the annual renewal date of the scheme. The total yearly contribution is £440.00 p.a. This sum will be paid in quarterly payments of **£110.00** payable for employees in employment on four dates throughout the year; namely; 1 March, 1 June, 1 September and 1 December. Arrangements are available for any employee to set up a personal Stakeholder pension and this can be used for the purpose of contracting-out of the State Earnings Related Pension Scheme (SERPS). For any employee qualifying for an employer's contribution for the first time after 1 June 2001, a 9 month waiting period will apply.

SUNDAY RACING PAYMENT

20. The deployment of stable staff to cover designated Sunday racing fixtures and work in the yard will be determined by the trainer in consultation with the stable staff. However, where off-rota staff are asked to go racing or to cover work in the yard, it will be on a voluntary basis.

21. The payment for time worked away from the yard over and above the consolidated rate shall be paid at the rate specified in paragraph 14 above.

22. It is recognised that racing on a Sunday involves some disruption of free time. To compensate for this, all stable staff who go racing on a Sunday fixture in the Great Britain will receive a Sunday Racing Payment (SRP) of £30.00. (Note £12 of this allowance can be paid tax free.)

23. Stable staff required to come in on their off-rota day to cover work in the yard will be paid double time over

and above the consolidated wage.

24. Stable staff who travel on a week day or Saturday in order to race on a Sunday in the Great Britain will receive the appropriate payment for time spent away from the yard (as detailed in paragraphs 13-17) plus a Sunday Racing Payment (as detailed in paragraph 22).

25. It is accepted that stable staff should not be expected to work extended periods without time off. Therefore, when stable staff volunteer to go racing on an off-rota Sunday or are racing abroad on an off-rota Sunday, an alternative day off with pay at the relevant rate will be provided. The arrangement of this day off will be at the discretion of the trainer in consultation with the stable staff so that the day is taken within a rolling reference period of twelve months.

RACING ABROAD

26. Stable staff who race abroad will receive the appropriate hourly payment for time worked away from the yard in excess of their normal daily working hours at the rate specified in paragraph 14. These payments are liable for tax and National Insurance deductions and should be put through the payroll.

27.In addition, stable staff will also receive a Racing Abroad Payment of £27.00 per day up to a maximum stay of seven days. After seven days, this is to be a domestic matter. (Note £21.00 of this allowance can be paid tax free.)

28. The HMRC does not set a tax-free amount for payment to staff who go abroad with their horses because expenses can vary significantly according to the country visited. However, it is agreed that, provided staff are asked to make some sort of basic written claim stating the amounts they have spent, those amounts can be paid tax free by the employer if the employer considers them to be reasonable. Receipts should support the larger amounts.

HOLIDAYS

29. Due to the impact of The Working Time Regulations 1998 as amended the following conditions will apply:

30. The holiday year will be either 1 January to 31 December or 1 July to 30 June. The trainer will determine which is the most appropriate for the yard. Each year will stand on its own.

31. Stable staff are entitled to 30 days paid holiday per annum which is inclusive of 8 public holidays. For stable staff who work part time this will be calculated on a pro-rata basis. Where staff are expected to work on any day which is a public holiday an alternative day will be taken to be mutually agreed or if an alternative day is not taken an additional day's pay will be paid up to a maximum of two days (pro-rated for part-timers and in respect of incomplete holiday years in the first year of employment).

32.1 Once an employee has served a continuous period of twelve months with the current employer, he/she will be entitled to an additional two days holiday commencing in the next holiday year, **giving a yearly entitlement of 32 days**.

32.2 Once an employee has served a continuous period of five years with the current employer, he/she will be entitled to an additional two days holiday commencing in the next holiday year, **giving a yearly entitlement of 34 days**.

33. Holidays will be taken at times to be mutually agreed and will have regard to what is practical in the local circumstances.

34. Employees who have been given notice, or who have given notice, can be required to take their holiday entitlement during the period of notice and this will be effective even where the employer is unable to give the employee statutory notice of the requirement to take holiday. In the case where stable staff have holiday entitlement which exceeds the period of notice, they will be paid for the balance of their entitlement.

35. On termination of employment, stable staff should be paid for any holiday accrued in the current holiday year to the date of termination and not taken. Any part of the annual holiday entitlement that has already been taken at the point of termination of service shall be deducted when calculating the holiday pay entitlement as referred to in paragraphs 31.

36.1 For the purposes of paragraph 35: where the employee is entitled to 30 days holiday per annum this entitlement accrues at 2.5 days per completed month pro rata from the date of starting to the end of the holiday year and pro rata for part month worked. The daily rate of accrual is 0.082 so for a part month worked, the number of days in that month should be multiplied by 0.082 to calculate the holiday entitlement, i.e. employee leaving on 15th of the month, 0.082 x 15, 1.23 days holiday accrued for that part month.

36.2 where the employee is entitled to 32 days holiday per annum this entitlement accrues at 2.66 days per

month pro rata from the date of starting to the end of the holiday year and pro-rata for part month worked. The daily rate of accrual is **0.0876** so for a part month worked, the number of days in that month should be multiplied by **0.0876** to calculate the holiday entitlement, i.e. employee leaving on 15th of the month, **0.0876** x 15, 1.3 days holiday accrued for that part month

36.3 where the employee is entitled to 34 days holiday per annum this entitlement accrues at 2.83 days per month pro rata from the date of starting to the end of the holiday year and pro-rata for part month worked. The daily rate of accrual is 0.093 so for a part month worked, the number of days in that month should be multiplied by 0.093 to calculate the holiday entitlement, i.e. employee leaving on 15th of the month, 0.093 x 15 days, 1.39 days holiday accrued for that part month.

37. Annual holiday pay will be calculated on the consolidated wage.

38. Under legislation part-timers cannot be discriminated against, therefore part-timers holiday entitlement will be the same as full time workers on a pro rata basis and paid at their usual rate (part-timers are described as persons who work less than 40 hours per week).

Part-time workers holiday entitlement increases in line with length of service as for full-time workers.

BEREAVEMENT LEAVE

39. The purpose of bereavement leave is to ensure that stable staff who suffer bereavement in their family are able to attend the funeral and deal with family and legal matters without the additional hardship of losing money. Stable staff shall be granted up to a maximum of three working days absence payable at the relevant consolidated wage in the event of the death of a spouse, son, daughter, brother, sister or parent or other relations for whom they have a responsibility at the discretion of the employer.

40. In the event that three days is insufficient or that a serious family event has occurred which has not resulted in bereavement, the employer may at their discretion negotiate a period of unpaid leave to enable the outstanding personal matters to be dealt with.

ABSENCE DURING SICKNESS OR ACCIDENT

41. Stable staff who are off work as a result of sickness or accident (except where an accident outside of work has been caused in the employer's reasonable opinion by the employee being involved in fighting, drunken behaviour or abuse of drugs) and who have been with the current employer at the commencement of the sickness absence for six months or more will receive from their employer their usual weekly wage (to include statutory sick pay if eligible) for a period of one month in any one year, such sick pay payable in the case of sickness absence from the fourth day of absence* and in the case of absence due to injury at work from the first day of absence.

Stable staff with less than six months service will receive SSP only, if eligible.

The six month qualification period shall not apply to an employee sustaining an accident at work.

*The three waiting days for sickness absence will not apply to a second period of illness linked to the first absence where such periods of absence would be linked for SSP purposes.

RACING INDUSTRY ACCIDENT BENEFIT SCHEME (RIABS)

42. Stable staff who are off work as a result of accidental injury arising out of and whilst carrying out duties for a licensed trainer including bone fide journeys between normal place of residence and place of work shall receive from their employer their usual weekly wage pro rata for a period of one month's injury absence in any one year including the first three days of absence. A claim for benefit should be made as soon as possible to the Racing Industry Accident Benefit Scheme (RIABS) within three months of the accident. The scheme does not cover race riding accidents or accidents which occur whilst on or travelling to and from a racecourse when engaged to ride (in this instance refer to the Professional Riders Insurance Scheme (PRIS) tel : 01635 869700) (email irene©pris.org.uk).

43. Paid full or part-time stable staff of licensed and permitted trainers who are aged between 16 and 65 years and registered with the British Horseracing Authority will have deducted **£2.37** from their net wage per week of employment as a contribution to RIABS. For trainees at the BRS or NRC who were pre-employed by a trainer, the trainer will pay both the trainer's and employee's RIABS premium whilst the employee is attending the BRS or NRC.

44. Injury Benefit is payable for a period of up to 104 weeks from the established date of the accident, if the accident has been declared by the claimant's employer. The amount of benefit (subject to an overall maximum of £300 per week) is the difference between the claimant's pre-accident net wage and all statutory benefits

receivable by the claimant as a result of the accident. **RIABS claim forms must be submitted within three months of the date of the accident giving rise to the claim**.

45. In the event of death, partial disability or being permanently and totally disabled (from working in a stable or any other occupation), the benefits as set out in the RIABS Scale of Benefits will be paid up to £103,000. The cover is extended to include dental expenses to a limit of £**5,000.00** arising out of accidental injury to sound, natural teeth as a direct consequence of duties involving horses.

HORSE/LAD RATIO

46. Because of the changing circumstances in the way racing stables are run, it has not been possible to agree on a mandatory horse/lad/**lass** ratio. This Agreement recommends a ratio of one member of staff to three horses.

47. The NTF and NASS, acting together, in the National Joint Council (NJC), will investigate any evidence of abuse and, where necessary, submit it to the BHA Disciplinary Panel under the relevant Rules of Racing.

48. Trainers are recommended to assist stable staff in the purchase of working clothes such as jodhpurs and jodhpur boots if requested to do so and to arrange repayment in weekly instalments, **such repayment to be recorded in writing and signed by the employee. Skull caps and safety vests are personal protected equipment and should be provided free of charge by the empoyer. These items remain the property of the employer**.

PROCEDURE IN THE CASE OF DISPUTES

49. The procedures to be adopted for the resolution of disputes at yard level and disciplinary and appeal procedures are set out in the Memorandum of Agreement between the NTF and NASS on the Resolution of Disputes and the Agreement between the NTF and NASS on Discipline and Appeal Procedures.

GENERAL

50. Where stable staff are already in receipt of a wage or pension in excess of the relevant minimum rates established by this Agreement, it is a matter for the trainer's discretion whether to maintain existing differentials. Where better conditions exist and stable staff are in receipt of higher wages and/or conditions, then these particular stable staff will not have their wages and/or conditions reduced to the minimum rates which are shown above.

OPERATION

51. **This Agreement is to operate from 1st December 2011 until 30th September 2012**.

52. Disputes on the interpretation of this Agreement will be determined in the NJC.