

## **National Joint Council for Racing Staff.**

### **Memorandum of Agreement 1<sup>st</sup> April 2023 – Guidance note**

The National Joint Council for Racing Staff comprises the NTF and NARS and is the body that agrees the Memorandum of Agreement on minimum terms and conditions of employment. The NJC also produces other joint documentation, such as the disciplinary procedure for employment issues in training yards.

This note has been prepared to answer questions which have been raised on the wage agreement effective 1<sup>st</sup> April 2023 (this information applies equally to the previous wage agreement effective 14<sup>th</sup> November 2023).

#### **Why are there different rates for with accommodation and without accommodation**

This has been introduced to recognise the package on offer to staff where accommodation is offered along with the cost to employers in providing accommodation.

#### **What does “with accommodation” mean?**

It is where the employer is providing accommodation as part of the package of remuneration, so essentially that the accommodation comes with the job. It could be accommodation on site or off site if provided as part of the wages package.

The “with accommodation” rate applies to free accommodation and accommodation where a charge is made.

#### **Can the employer still make a deduction for accommodation?**

Yes, but continue to ensure that any deductions are lawful and do not bring the pay below the National Minimum Wage. The current accommodation offset set by the Government is £63.70 per week and is the maximum that can be deducted where an employee is being paid the National Minimum Wage.

*For example, Scale 3 employee aged 23*

*Without accommodation                      Minimum Wage 40 hours £416.80*

*With accommodation                      Minimum Wage 40 hours £416.80 from which the employer can deduct £63.70 or the employer could pay £353.10 plus free accommodation and still comply with the NMW and MOA.*

The NTF information sheet on the accommodation offset and NMW can be found here

<https://www.racehorsetrainers.org/members/accommodation.asp>

This accommodation offset of £63.70 applies regardless of the age or earnings of the individual, where the individual is on the Government National Minimum Wage. This does mean that in practice it can impact more upon some groups.

### **How were these new wage rates reached?**

in November 2022, the wage rates increase was a percentage increase on the National Minimum Wage or National Living Wage for the age group within a scale rather than a set percentage increase in each age group. The increase in the National Minimum Wage and National Living Wage effective 1<sup>st</sup> April 2023 has resulted in there being no differential or only a small differential between the “with accommodation” and the “without accommodation” rates for some scales.

### **Do trainers have to adhere to the MOA?**

The BHA Rules of Racing Licensing Chapter, paragraph 29.3 requires trainers to:

*“Ensure that any persons who work for or with them in the training of racehorses are employed on terms that are no less favourable than those set out by the National Joint Council for Racing staff from time to time”*

### **Can other things such as the value of meals or bonuses count towards wages?**

Other benefits will not count towards wages unless there is an agreed salary sacrifice scheme, for example for childcare vouchers, in operation, properly documented and accountable. Again the employer must ensure any salary sacrifice does not bring the wage below the National Minimum Wage.

20<sup>th</sup> March 2023