

Memorandum of Agreement
Frequently Asked Questions with Answers

Sunday Racing Paragraph 7

Q. Is the Sunday Racing Payment paid to staff when racing abroad on a Sunday?

A. No, it only applies to racing in Great Britain. If racing abroad, the employee does not get the Sunday Racing Payment in addition to the Abroad Payment.

Q. Is the Sunday racing Payment paid when travelling on Sunday to race on a Monday

A. No – it is only where the race is on a Sunday and this is the basis upon which the tax-free element is agreed.

Q. Is the allowance set off against the hourly rate paid?

A. No. The National Minimum Wage Regulations provide that workers must be paid at least the Government National Minimum Wage (or if over 25, the Government National Living Wage) for time work. The Memorandum of Agreement between the NTF and NARS sets down a rate of £7.83 per hour for time worked away from the yard outside of already paid time. This will increase to £8.21 in April 2019.

Q. Sunday hours in the yard are only a few hours – if someone not due to be working that Sunday volunteers and goes racing on a Sunday, do they get a whole day off in lieu or just the normal hours from a Sunday?

A. It is the whole day off in lieu. It is important that staff have time off – there is an entitlement to rest periods under the Working Time Regulations.

The day off in lieu also applies when an employee not already due to be working travels on a Sunday to race on a weekday.

Racing Abroad (Paragraph 9)

Racing Abroad Payment

Q. We have staff who were away all weekend racing abroad – do they receive the Sunday Racing Payment and/or the Overnight Payment?

A. No, the Racing Abroad payment is paid and not the Sunday and/or overnight payments.

Q. Is the Racing Abroad Payment paid in addition to wages being paid for time worked away from the yard over and above normal hours?

A. Yes. As mentioned above under Sunday racing, all working time out of the yard over normal hours must be paid at the rate (currently £7.83) as set out in the Memorandum of Agreement and the Racing Abroad payment is paid in addition as an allowance. Trainers wishing to pay a higher hourly rate can do so.

Q. Staff returning from racing aboard, caught the ferry early in the morning and will get back to the yard about 3pm. Do they receive the Racing Abroad payment for the day spent travelling back?

A. The Racing Abroad payment is paid for the day spent travelling back if the staff do not return to the yard before the end of morning stables. To some extent there is flexibility in this and whatever domestic arrangements you have with your yard should be consistently applied.

Absence during sickness (clause 16)

Q. What is a month's wages for sick pay purposes?

A. It is a calendar month i.e. injured at work and off work from 18th August, would receive full wages until at least 17th September. Yards can pay for longer periods if that is their domestic arrangement.

Q. What is the usual weekly wage?

A. This should be normal weekly wage so should take into account contractual overtime. Where staff work irregular hours and do not have a "usual wage", an average should be calculated from the previous 12 weeks. It may be necessary to go back further than the previous 12 weeks if any of the 12 weeks were not worked or unpaid to ensure that a proper average is calculated.

Q. The agreement states that the one month's sick pay is in any one year. It is easier for us if this year is the same as our tax year which is April to March – is that okay?

A. The reference to “any one year” is normally treated as the calendar year January to December. However, you can use an alternative twelve months period provide that whichever is applied, your staff are fully aware of the position and it is consistently applied. You should not move the goalposts.