

Memorandum of Agreement

Frequently asked questions with answers

Sunday Racing (clause 8)

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 do 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 at least the Government National Minimum Wage for time worked and the Memorandum of Agreement between the NTF and NASS sets down a rate of £7.60 per hour for time worked away from the yard outside of already paid time. The Sunday Racing Payment is additional to the hourly rate and is an acknowledgement of the time employees are giving up on a Sunday.

Q. Sunday hours in the yard are only a few hours – if off-rota staff volunteer and go racing on a Sunday, do they get a whole day off in lieu or just the normal hours from a Sunday?

A. It is a 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 to staff who are off rota travelling on a Sunday to race on a weekday.

Racing Abroad (clause 10)

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 or Overnight Payments.

Q. Is the Racing Abroad payment paid in addition to the 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 of £7.60 per hour 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 rate can do so.

Q. Staff returning from racing abroad, caught a ferry early in the morning and will get back to the yard about 3pm. Do they receive a 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 a bit of flexibility in this and whatever domestic arrangement you have within your yard should be consistently applied.

Holidays (clause 16)

Q. We have a member of staff who is off for the following fortnight, so that includes one weekend off-rota and one weekend on-rota. How is this calculated for the holiday entitlement?

A. For holiday purposes, the working week is counted as 5.5 days regardless of whether that week is on- or off-rota, so this will be 11 days holiday.

Absence during sickness (clause 18)

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 the normal consolidated wage. Where staff work odd hours and do not have a "normal 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 provided that whichever is applied, your staff are fully aware of the position and it is consistently applied. You should not move the goalposts.

Payments for time worked away from the yard (clauses 6 - 14)

We have two members of staff who went racing over the weekend staying overnight on Saturday for the race on Sunday. How do we calculate what they are due to be paid?

In this example, normal working Saturday equals 7 hours (7am – 12 noon and 4.00 pm to 6pm) and normal Sunday working equals 3 hours.

Saturday

Working in yard	7.00 am – 12.00 noon
Leave for races	12.00 noon
Arrive at races	5.00 pm
Horse bedded down for night	6.00 pm

Sunday

Attend to horse	7.00 am
Attend to horse	2.00 pm
Race time	3.00 pm
Box and leave	4.00 pm
Reach home and finish	9.00 pm

So:

Saturday worked 11 hours of which 7 have already been paid and Sunday worked 14 hours of which 3 have already been paid, broken down into:

10 hours already paid at hourly rate in weekly consolidated wage

15 hours to be paid as time worked away from the yard at rate as set out in Memorandum of Agreement (£7.60* per hour). This is subject to tax and NI and should be paid through the payroll.

In addition the employee would be entitled to £15.00 overnight allowance (all tax free) and the Sunday Racing Payment of £30 (£12 of which is tax free)*.

One of the employees was off rota, is he due extra?

He would be entitled to a further payment of 5 hours pay at the time away rate as he has not already been paid for the 2 hours on Saturday afternoon and 3 hours on Sunday.

In addition, he should be provided with an alternative day off with pay at the relevant rate.

Is the Daily Allowance (£10 or £13.50 depending on hours) paid when staff go racing on a Sunday?

No, the daily allowance is payable weekdays and Saturdays. There is already a Sunday Racing Allowance (£30.00).

*Note : these figures are correct as at the period November 2017