

NATIONAL JOINT COUNCIL FOR RACING STAFF

MEMORANDUM OF AGREEMENT BETWEEN THE NATIONAL TRAINERS FEDERATION AND THE NATIONAL ASSOCIATION OF RACING STAFF

Preamble

- 1 The Agreement provides for a Racing Industry Minimum Rates of Pay Structure and certain standard conditions of employment for Racing Staff employed by trainers in the racing industry. The Agreement is effective from 10th December 2018 with an amended rate for scales 1 – 2: 18 to 20 year olds and scale 3: 16 – 20 year olds from 1st April 2019 and an increase to the rate for time away racing to £8.21 from 1st April 2019.

Racing Industry Minimum Rates

2. The Government National Minimum Wage is taken into account and there are different minimum rates depending on age in Scales 1 – 3. Scale 4 upwards is not age related. Set out below are the minimum rates for a 40 hour week.

Scale	Description	Pay Band
Minimum Rates for 40 hour basic week		
Scale 1 Trainee	For those with no experience or limited experience in horse racing. It is unlikely that people in this role will have qualifications higher than NVQ1 or equivalent.	Age 16/17 - £178.00 (£4.45 per hour) Age 18 to 20 - £246.00 (£6.15 per hour) Age 21 to 24 - £308.40 (£7.71 per hour) Age 25 and over - £331.60 (£8.29)
Scale 2 Improver	People on this scale are likely to have some experience and have NVQ2 or equivalent skills.	Age 16/17 - £212.99 (£5.32 per hour) Age 18 to 20 - £246.00 (£6.15 per hour) Age 21 to 24 - £308.40 (£7.71 per hour) Age 25 and over - £331.60 (£8.29 per hour)
Scale 3 Rider/Groom/ Yard Person		Age 16 to 20 - £246.00 (£6.15 per hour) Age 21 to 24 - £308.40 (£7.71 per hour) Age 25 and over - £331.60 (£8.29 per hour)
Scale 4 Senior Rider/Groom/ Yard Person	People on this scale may hold NVQ3 or equivalent.	£339.20 upwards - (£8.48 per hour)
Scale 5 Skilled Rider/Specialist Yard Person	People on this scale may have previously held a professional jockey licence, are likely to have exceptional riding skills, to be capable of breaking and/or schooling young horses, capable of supervising equine swimming pool and similar facilities, have first aider and/or health and safety supervision duties.	£346.80 upwards - (£8.67 per hour)
Scale 6 Supervisory staff/senior management	This scale is likely to include head lad, travelling head lad or other supervisory/management roles	£368.00 upwards - (£9.20 per hour)

It is likely that within any one yard, there would be progressive differentials in pay between staff members in Scales 4 to 6.

Note : NVQ 3 is equivalent to Level 3 Diploma in Work Based racehorse care and management, NVQ2 is equivalent to Level 2 Diploma in Work Based racehorse care and management and NVQ1 is equivalent to Level 1 Diploma in Work Based Horse Care or Work Based racehorse care and riding.

Hours of Work

3. The normal full time week is 40 hours (excluding meal breaks). There is no set pattern on how a yard should work these hours. However, unless the individual employee's contract states otherwise the normal full time week will include 5 hours every Saturday morning. Any overtime above the basic 40 hour working week will be paid in accordance with paragraph 4. Time away racing is to be paid in accordance with paragraph 5.
- 3.1 In planning the working week, employers must have regard to the Working Time Regulations – further information on these is available in the BHA Health and Safety Manual (the Red Book).
- 3.2 Having regard to the requirements of the industry, racing staff shall work weekends as required by their employer to ensure there is adequate cover. It is the spirit and intention of this agreement to work towards an improved work/life balance for racing staff whilst taking into account the nature of the industry.
- 3.3 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. There are certain permitted exceptions whereby the limit may be exceeded – these will rarely apply. Further guidance on the legislation and exceptions is available for NTF members in the NTF employment guide and from the NTF office.
- 3.4 For adult workers (those aged 18 and over) their working time should not exceed an average of 48 hours for each seven days applied over the reference period. By collective agreement between the NTF and NARS, the reference period is 52 weeks. 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. Further information is available in the BHA Health and Safety Manual.

Overtime (in the yard)

4. Overtime for time worked in the yard will be paid at the rate of time and one half for each hour worked over the basic 40 hours in each given week.

Racing 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

5. 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 is treated as working time whether or not the travelling takes place during his working hours.
- 5.1 Racing staff are to be paid for time worked away from the yard outside of normal hours at the following rates:
- £7.83 for all racing staff regardless of age.
- From 1st April 2019, this hourly rate increases to £8.21.
- 5.2 Time away from the yard within the normal daily working hours is paid at the normal rate of pay.
- 5.3 These payments are liable for PAYE and National Insurance deductions and should be put through the payroll.
- 5.4 If locally adopted rates are used then the hourly rate paid must meet or exceed the hourly rates set out in this agreement. It is accepted that employees of yards close to racecourses are unlikely to incur meal expenses when racing at their local course and as such the daily subsistence allowance will not apply to such employees. This is likely to mainly apply to Newmarket staff with runners at Newmarket and Epsom staff with runners at Epsom.

Subsistence allowances

Daily allowances (Monday to Saturday)

6. A daily subsistence allowance is to be paid to staff going racing Monday through to Saturday.

There is a tax free element to these allowances as set out below. The allowances may be paid in cash in advance to enable staff to buy refreshments but tax must be paid on the non-tax free element. The rate of daily subsistence allowance is based on the number of hours away from the yard outside of normal working hours.

Number of hours away from yard outside normal working hours	Up to 8 hours	8 hours or more
Daily Subsistence Allowance	£10	£13.50
Tax free element	£10*	£13.50*

Where a payment is tax free, it is also NI free.

*Note by an agreement with HMRC the full amount of these payments (£10 and £13.50) can be paid tax free provided the employer complies with revised HMRC requirements in place since 6th April 2016. To meet these requirements the employer must apply to HMRC to use the racing industry bespoke

payments and have a system in place to check around 10% of expenses claims to ensure they are being properly incurred, namely that the employee has gone racing and incurred expenses.

Sunday Racing and Sunday Racing Payment

7. The deployment of racing staff to cover designated Sunday racing fixtures and work in the yard will be determined by the trainer in consultation with the racing staff. However, where staff would not otherwise have been working on that Sunday are asked to go racing or to cover work in the yard, it will be on a voluntary basis.
- 7.1 The payment for time worked away from the yard (not already paid in the employee's normal wages) shall be paid at the rate specified in paragraph 5.1 above. See paragraph 12 for compensatory time off.
- 7.2 It is recognised that racing on a Sunday involves some disruption of free time. To compensate for this, racing staff who go racing on a Sunday fixture in Great Britain will receive a Sunday Racing Payment of £30.00 (note, £12 of this allowance can be paid tax free).

Overnight

8. Racing staff will receive a £15.00 overnight allowance. This is tax free. It is not payable for days when the racing abroad payment is paid.

Racing abroad

- 9 Racing staff who go racing 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 5.1. These payments are liable for tax and National Insurance deductions and should be put through the payroll.
- 9.1 In addition, racing staff will also receive a Racing Abroad Payment of £30.00 per day (£21.00 of this allowance can be paid tax free).

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 be kept to support claims.

Compensatory time off

Returning after midnight

10. Racing staff returning from racing after midnight shall not be required to start work until 9.30 am; if staff are asked to start before 9.30 am, 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, 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 9.30 must be made at the employee's normal hourly rate, not the £7.83 rate for time worked away from the yard or at time and a half.

Designated Saturday evening fixture

11. Staff who go racing to a Saturday evening fixture when they would not otherwise have been working that Saturday afternoon, are entitled to receive a paid weekday evening off in lieu, the weekday evening to be mutually agreed between the parties.

Travelling on Sunday

12. Staff who are travelling on a Sunday to race on a weekday, when they would not otherwise have been working that Sunday, are entitled to receive a paid day off in lieu, the day off to be mutually agreed between the parties.

Racing on Sunday

13. Staff who go racing on a Sunday or who are racing abroad on a Sunday when they would not otherwise have been working that Sunday, are entitled to a paid alternative day off at the relevant rate. The arrangement of this day off will be at the discretion of the trainer in consultation with the racing staff so that the day is taken within a rolling reference period of twelve months.

Holidays

14. The holiday year will be either 1st January to 31st December or 1st July to 30th June. The trainer will determine which is the most appropriate for each yard. Each year will stand on its own and cannot be carried over (see clause 14.6).

Holiday entitlement

Racing staff are entitled to:

First year of employment	30 days holiday per annum inclusive of 8 public holidays
Once an employee has served a continuous period of twelve months with the current employer, then during the next holiday year the entitlement increases to	32 days holiday per annum inclusive of 8 public holidays
Once an employee has served a continuous period of five years with the current employer, then during the next holiday year the entitlement increases to	34 days holiday per annum inclusive of 8 public holidays

Part time workers

- 14.1 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 defined 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.

Arrangements for taking holidays and holidays at termination

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

14.3 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 racing staff have holiday entitlement which exceeds the period of notice, they will be paid for the balance of their entitlement.

On termination of employment, racing 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 14.1.

Holiday accrual and calculations

14.4 There is a holiday calculator on the NTF website which may be of assistance particularly for calculating the holiday of part time workers.

30 days holiday

- 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, 0.082×15 , 1.23 days holiday accrued for that part month.

32 days holiday

- 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 0.087 so for a part month worked, the number of days in that month should be multiplied by 0.087 to calculate the holiday entitlement, i.e. employee leaving on 15th of the month, 0.087×15 , 1.3 days holiday accrued for that part month.

34 days holiday

- 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 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, 0.093×15 days, 1.39 days holiday accrued for that part month.

Bank Holidays

14.5 Bank and public holidays are included in the holiday entitlement set out at paragraph 16.

Where an employee works on 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 2 days (pro-rated for part timers and in respect of incomplete holiday years in the first year of employment)

Carry over - Sickness absence and maternity/adoption leave periods

- 14.6 In certain circumstances where it is not possible for an employee to take their holiday entitlement during the current holiday year due to sickness absence, the entitlement to the holiday which can be carried over will be reviewed at the time in the light of the current legislation at the relevant time.
- 14.7 Contractual and statutory annual leave will accrue during maternity/paternity and adoption leave periods and will carry over where it cannot be taken in the current holiday due to the employee being on maternity/paternity or adoption leave.

Bereavement Leave

15. The purpose of bereavement leave is to ensure that racing 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. Racing staff shall be granted up to a maximum of five paid working days absence in the event of the death of a spouse, civil partner, child, brother, sister or parent or other relation for whom they provide care at the discretion of the employer.

In the event that five 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 matter to be dealt with

Absence during sickness or accident

16. Racing 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 an accident at work from the first day of absence.

Racing 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

17. Racing 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. 01935 891974 info@pris.org.uk)

- 17.1 Paid full or part-time racing staff of licensed and permitted trainers who are aged between 16 and 65 years and registered with the British Horseracing Authority will have deducted £2.62 from their net wage per week of employment as a contribution to RIABS. For trainees at the BRS or the NRC who were pre-employed by a trainer, the trainer will pay both the trainer's and employee's RIABS contribution whilst the employee is attending the BRS or NRC.
- 17.2 From 1st April 2019, contributions to the Racing Industry Accident Benefit Scheme (RIABS) is increasing to £3.00 per week.
- 17.3 Injury benefit is payable for a maximum 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 £400 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.
- 17.4 In the event of death, partial disability or being permanently and totally disabled (from working in a racing yard or any other occupation), the benefits as set out in the RIABS scale of benefits will be paid up to £154,500. 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.

PPE and clothing

18. Trainers are recommended to assist racing 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 agreement to be recorded in writing and signed by the employee.

Racing staff may be entitled to tax relief for work clothing – a form is available on the NARS website.

Skull caps and safety vests are personal protective equipment and should be provided free of charge by the employer. These items remain the property of the employer.

Procedure in the case of disputes

19. 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 NARS on the Resolutions of Disputes and the Agreement between the NTF and NARS on Discipline and Appeal Procedures.

General

20. Where racing 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 racing staff are in receipt of higher wages and/or conditions, then these particular racing staff will not have their wages and/or conditions reduced to the minimum rates shown above.

Operation

21. This agreement operates from 10th December 2018

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