

Training in the Workplace Survey – March 2019

The survey conducted by the British Grooms Association (BGA) into training in the work place revealed that a staggering number of ‘working pupils’ are illegally employed.

The survey was open for those who were receiving on-the-job training and/or had been given the job title ‘working pupil’.

This survey looked into the working practices of the employees and the training that they were receiving on the job.

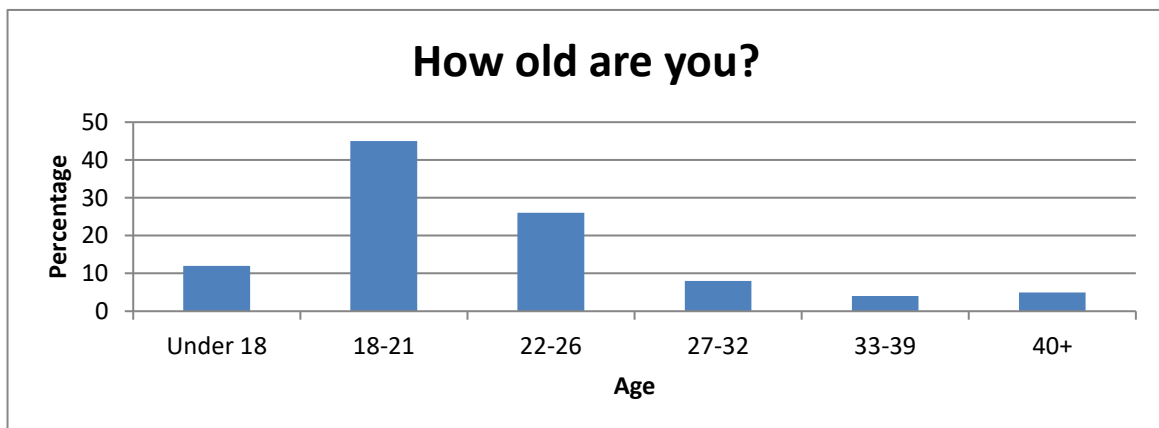
It inquired into the provision of written contracts (statements of terms of employment) and how many received national minimum wage (NMW) and paid leave.

The equestrian only term ‘working pupil’ (WP) refers to an employee that is working (often unpaid) in return for being trained. This can be an attractive situation for the employer since costs are minimised. However, such an arrangement is often actually illegal.

These results show that a minute fraction of WP’s are legally employed with the majority flouting all employment law compliance.

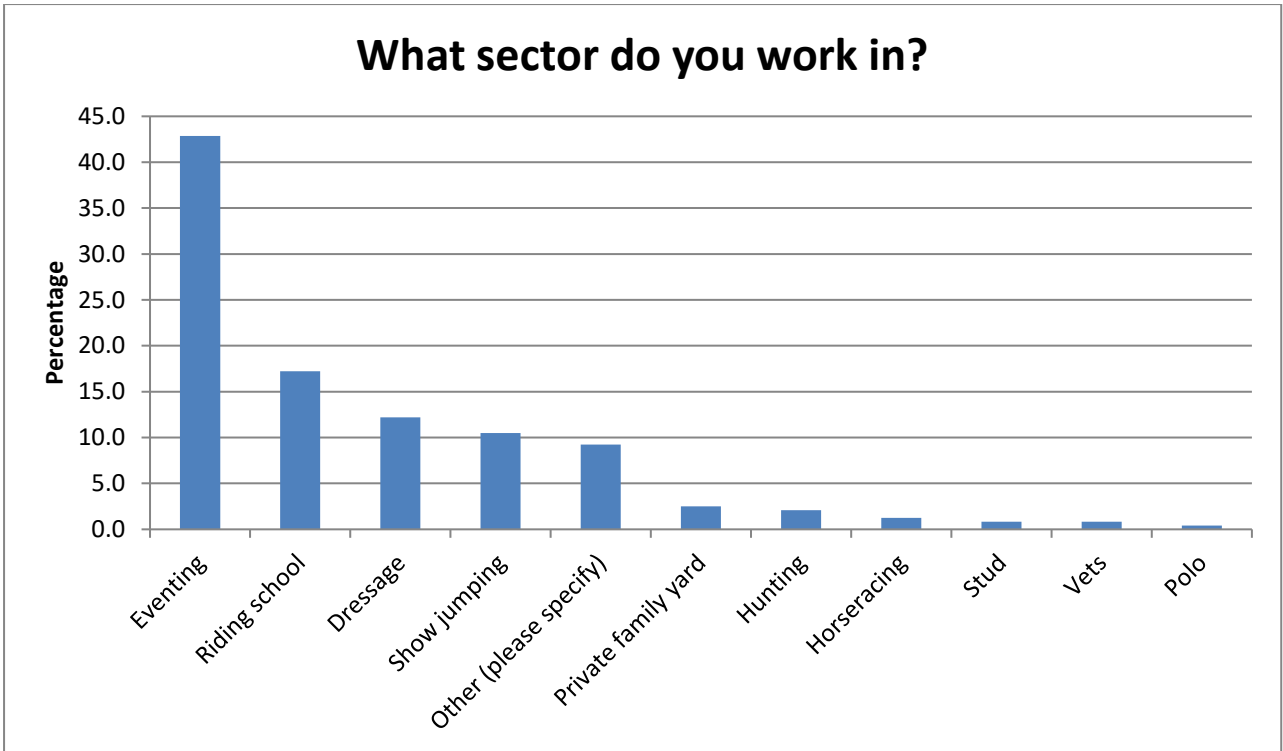
The study provided participants the opportunity to make comments throughout.

DEMOGRAPHIC FACTORS



The grooms who took part ranged in age from under 18 to over 40.

The responses were primarily in the younger age ranges, with the greatest number of the responses from those aged 18-21 and the fewest from those aged 33-39.



The respondents worked in or currently work in a variety of different sectors, including eventing, riding schools and dressage.

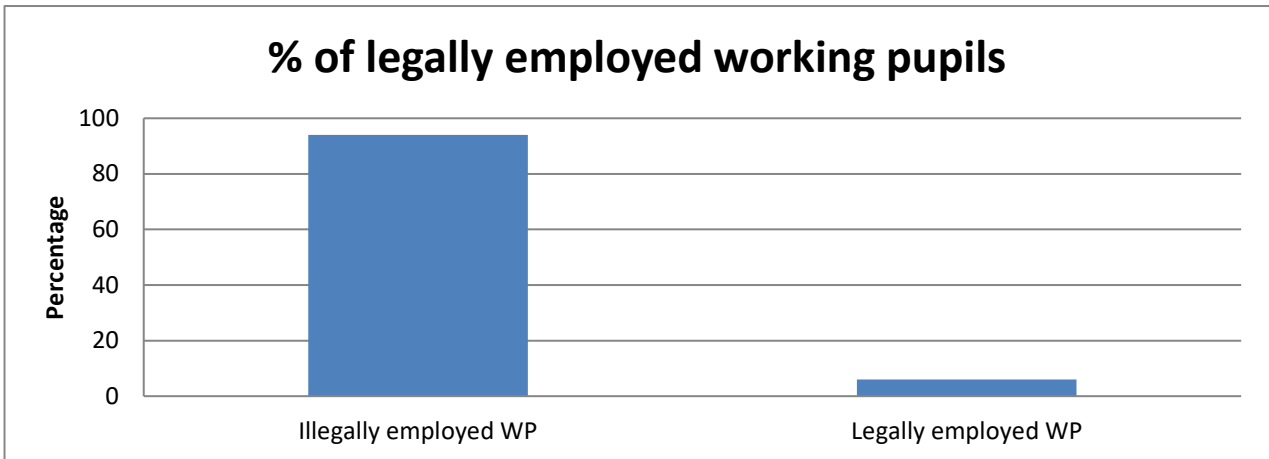
Eventing was overwhelmingly the sector where on the job training was offered.

The survey was promoted equally in all sectors.

RESULTS

This survey shows that a staggering 94% of WP’s are illegally employed in the equine industry.

This is a huge issue for the employee who is not receiving their basic employment rights; and the employer who could incur prosecution.



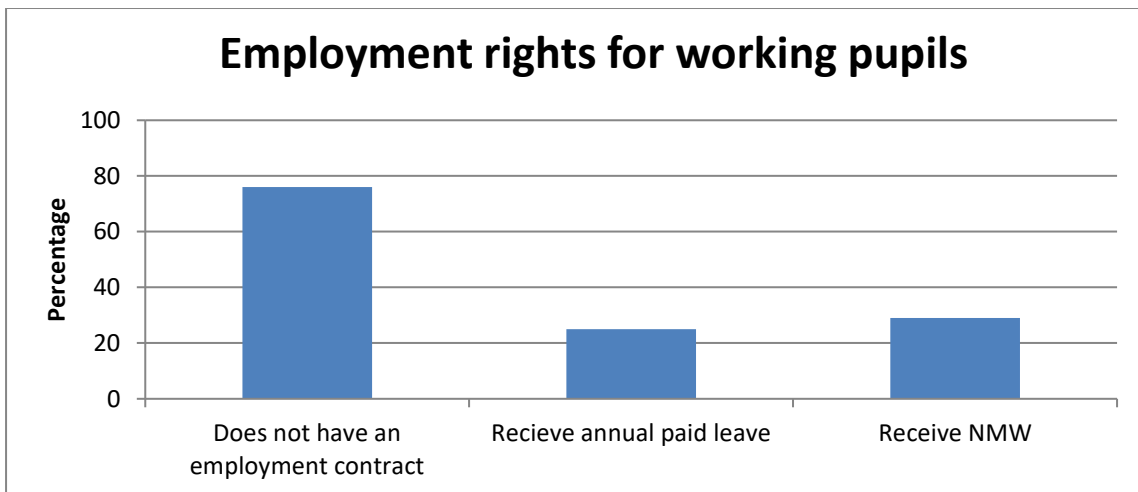
EMPLOYMENT RIGHTS COMPARISON

We compared the two ways that an employee will receive on the job training – either on a formal Apprenticeship with a Training Provider, or by being given the title ‘Working pupil’.

It is important to note, that both are employees and thus all employment rights must be observed equally.

An employee must be provided with a Written Statement of Employment Terms (aka Written Contract). This is legally required.

Over 76% of WP’s did **not** receive a written contract, with three quarters **not** receiving annual paid leave and **only** 29% receiving NMW.



Less than a third of WP’s receive NMW, often due to the employer using training as an incentive to work. However, it is illegal to pay less than minimum wage.

Many employers abuse the position of the WP, paying below the NMW as a cost-saving measure, but this means that the employee's rights are not being met.

As well as many WP's not having fair working rights, many are carrying out the same work as other members of staff.

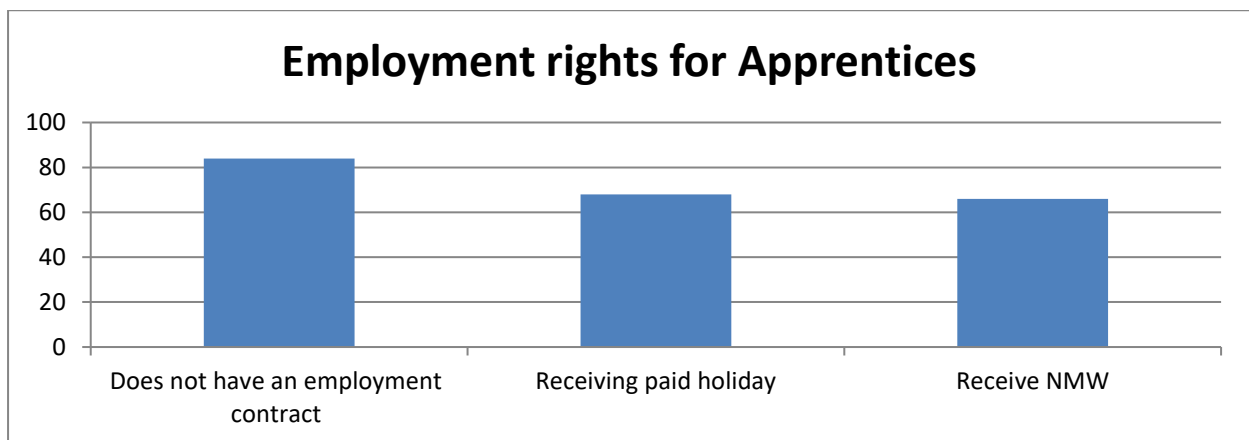
- 97% of WP's are carrying out the same work as working staff. This is a concern as many of them do this without getting any recognition for the work that they are doing.
- However, there are 3% that do not do the same work; these pupils observe the other staff working. This is a beneficial learning/working environment as it provides an opportunity to see different skills and disciplines in the equine industry being utilised.

This is worrying, as it could potentially not give the WP's good quality opportunity to learn in their industry whilst also not receiving fair rights.

The survey found more promising working terms for Apprentices (WA).

They were registered with a training provider, giving them more comprehensive support when working and understanding their employment rights.

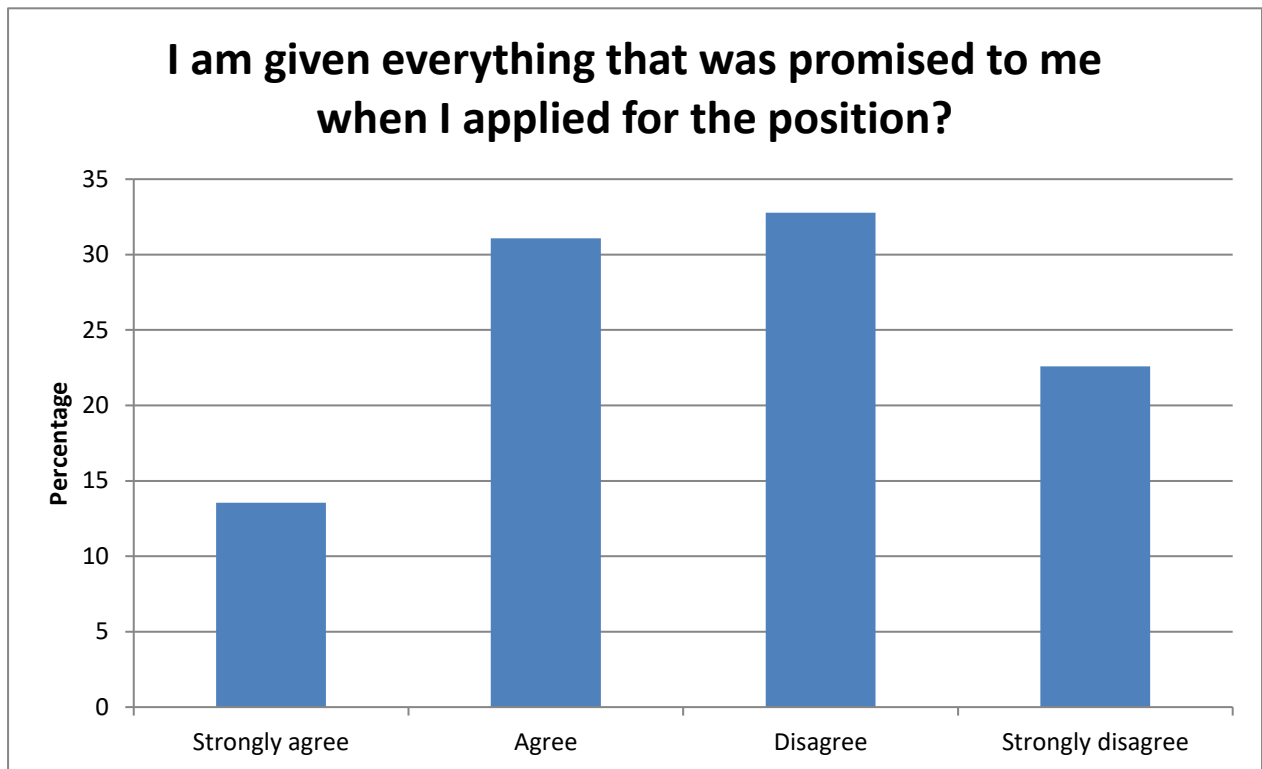
In contrast with the WP results, 84% of Apprentices **received** a written statement of terms of employment. 68% **received** paid holiday and 66% **received** NMW.



Although these numbers are still not ideal, they are a step forward for conditions for employees in the equine industry.

These figures should be 100% as they are all mandatory, basic employment rights.

ARE WORKING PUPILS RECEIVING EVERYTHING THEY HAVE BEEN PROMISED?

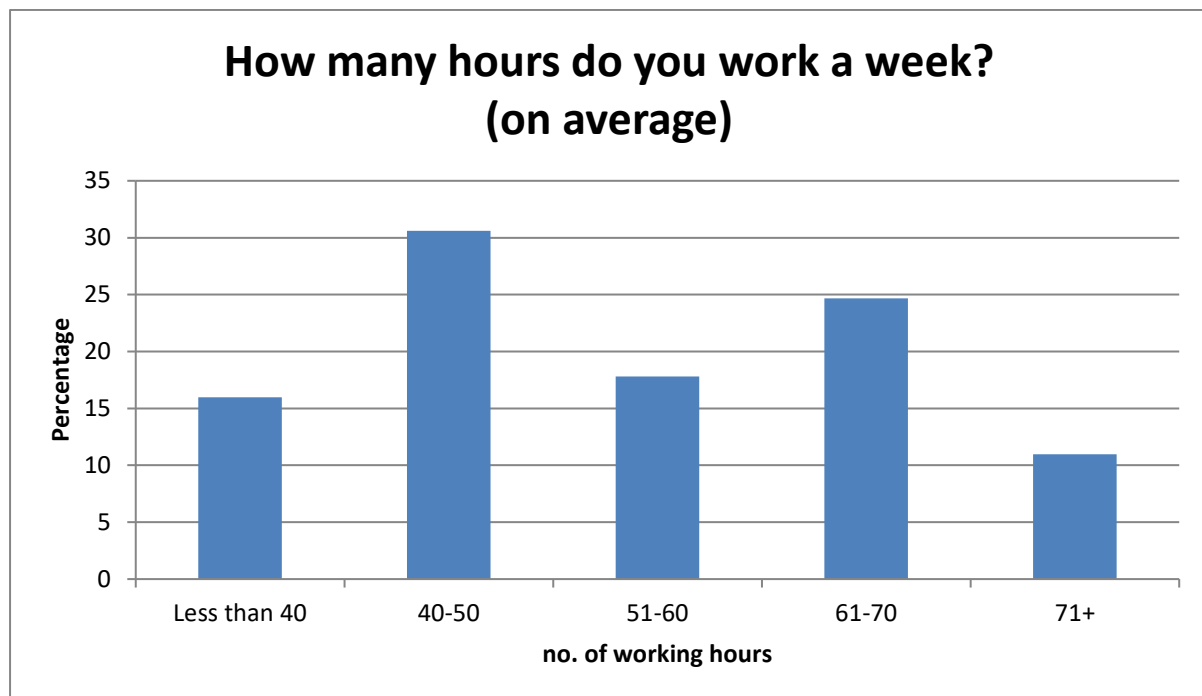


Although this question received a fairly even spread of responses, there is still a greater number of WP's that disagreed.

- The majority of WP's still disagreed (strongly disagree/disagree). 56% did not believe that they received everything that they were promised. This is worrying as it could cause many more issues for them, such as if, they are happy in their work place.
- 45% of WP's agreed (strongly agree/agree) that they have received everything that they were promised and 44% of working pupils stated that by being in this position it gave them an opportunity to progress their skills.

This suggests that majority of WP's are still not receiving everything that they are promised.

HOW MANY HOURS ARE WORKING PUPILS ACTUALLY WORKING?



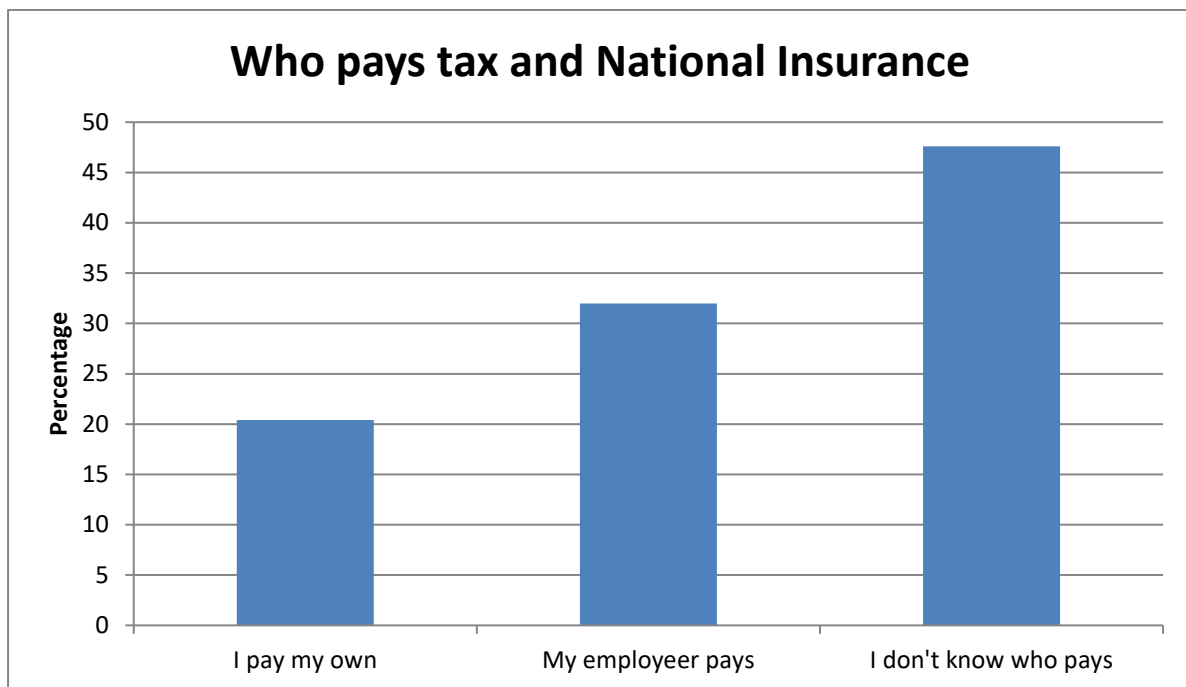
This question shows that the majority of WP's are working long hours, over the maximum legally allowed (over 48 hours per week as stated by the government).

- Over half (54%) of all WP's work over the legal limit of working hours, with 11% working over 71 hours.
- In contrast, there are 16% that work less than 40 hours, meaning that they are in a more positive situation as it allows the pupil to still have time for studying and training.

This is worrying for the WP's in the equine industry as it could affect their physical and mental wellbeing.

More needs to be done by the employer to allow the WP's to work fair hours whilst still receiving their training.

DO WP'S KNOW WHO PAYS THEIR TAX AND NATIONAL INSURANCE?



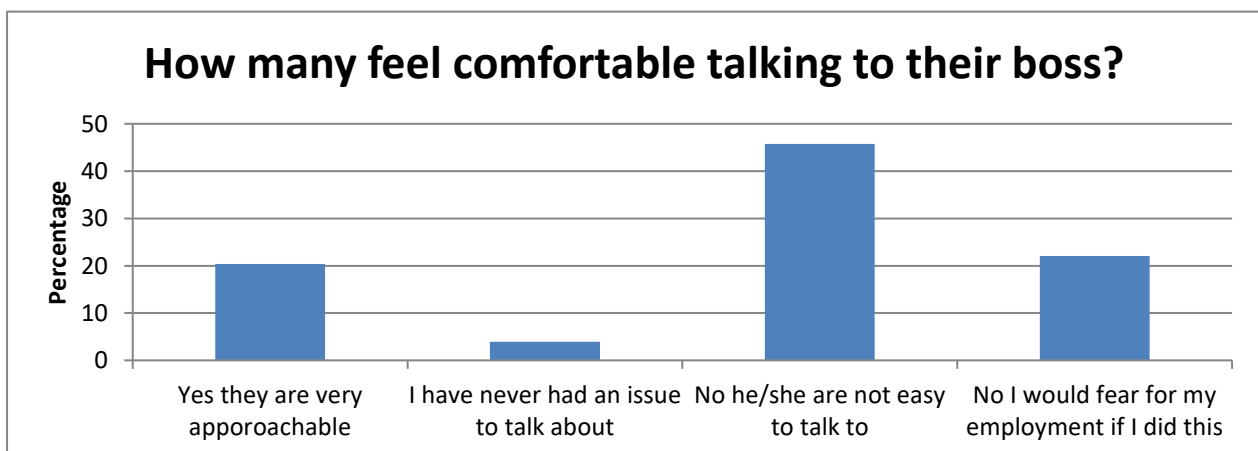
Many (48%) working pupils do not know who pays their taxes or National Insurance.

This may be due to the fact that 73% of working pupils do not receive pay slips.

This is concerning as many of these do not know their working rights and are not receiving these from their employers.

This shows that employers need to do more to provide information, such as who pays their taxes and National Insurance, to their employees.

HOW MANY FEEL COMFORTABLE TALKING TO THEIR EMPLOYER?



- 61% of WP's are concerned about their employment situation. The bulk of those surveyed (68%) would not feel comfortable or would fear for their employment if they were to talk to their employer about an issue.
- Only 4% of WP's have found that they have never had an issue to discuss with their employer. This is a very low number and 96% still have issues in their workplace.
- In contrast, there are 20% of WP's that believe that their employer is approachable. This is positive as it means that if there is an issue it can easily be resolved and create a good working environment.

68% have stated that they are happy (very happy and happy) when surveyed. This is reassuring as it shows that they are enjoying this unique opportunity to learn and work. However, this still means that 32% are unhappy in their workplace; this could be affecting the mental wellbeing of the pupil.

It is worrying that WP's feel like they cannot talk to their employer and fear for their employment if an issue were to arise.

Having support and communication is extremely important in the workplace and provides a stable environment for learning.

This is a situation that employers in the equine industry must rapidly change.

CONCLUSION

The results of this survey show that urgent action needs to be taken with regards to the employment of an individual that is given the job title 'Working pupil' to make the work place legal and fair for them.

Nicole Adams, a solicitor who specialises in employment law at Clarke Willmott LLP, states that the term 'Working pupil' does not hold an employment or legal status so would not stand with an Employment tribunal.

In order to prevent this issue, the WP and employers should consider:

- Requesting/providing a written statement of terms of employment to the WP. This will provide a legal arrangement between both parties involved.
- If (as an employer) you wish to give an employee training, possibly looking into an Apprenticeship through a training provider. This provides a legal term, structure and protection for the employee and employer.
- The employee must be paid NMW for every hour that they work.
- All employees should receive annual paid leave, as per their legal rights.
- As an employee, WP's should be seen at the same level as other employees carrying out the same level of jobs as they are.

The British Grooms Association has a wide array of resources that WP's can utilise to aid them in their workplace and to know their rights.

The Equestrian Employers Association (EEA) informs employers of the action they can take to ensure they are employing legally, should they wish to give the job title 'Working pupil'.

To conclude, as found in this report, worrying quantities of WP's are illegally employed.

By joining associations, both employer and employee will know their legal rights, ensuring a compliant and a safer workplace.

Britishgrooms.org.uk

equestrianemployers.org.uk