

Checklist: Agricultural Occupancy

<ul style="list-style-type: none"> • Does the client work in agriculture? If yes: <ul style="list-style-type: none"> ○ What type of work do they do? <p>In brief the definition of agriculture includes dairy farming, keeping and breeding of livestock, the production of any consumable produce grown for sale or consumption, the use of land for certain reasons and forestry.</p>
<ul style="list-style-type: none"> • When did the client first start working in agriculture? (e.g. if this before the 15th January 1989 they may have preserved rights under the Housing Act 1988).
<ul style="list-style-type: none"> • Have they worked full-time (35 hours or more a week) in agriculture for 91 out of the last 104 weeks (Please note this does not necessarily have to be with the same employer)? If no: <ul style="list-style-type: none"> ○ Has the employee suffered a qualifying disease or injury?
<ul style="list-style-type: none"> • Is the farmworker required to live in the property for the better performance of her/his duties? If yes: <ul style="list-style-type: none"> ○ When did they start living in this accommodation? <p>There are different rules depending on whether an agreement was entered into before or after the 15/01/1989</p>
<ul style="list-style-type: none"> • Who was the accommodation provided by? (i.e. is the employer and the landlord the same)
<ul style="list-style-type: none"> • Does the landlord live in the same building? If yes: <ul style="list-style-type: none"> ○ Does the client share facilities or living accommodation with the landlord?
<ul style="list-style-type: none"> • Does the client have a written contract of employment?
<ul style="list-style-type: none"> • Does the client have a written tenancy agreement? If yes: <ul style="list-style-type: none"> ○ Did the client receive any other paperwork when this agreement started? (e.g. if the tenancy started after 15th January 1989 advisers will need to check whether a notice was given stating that the tenancy was an assured shorthold tenancy).
<ul style="list-style-type: none"> • Has the client been asked to leave? If yes: <ul style="list-style-type: none"> ○ Why have they been asked to leave? ○ Do they still work for the employer? ○ Has the landlord served any written notice?