
WELSH STATUTORY INSTRUMENTS

2016 No. 107

The Agricultural Wages (Wales) Order 2016

PART 4 – Entitlement to agricultural sick pay

Determining the amount of agricultural sick pay

23.—(1) Agricultural sick pay is payable at a rate which is equivalent to the minimum hourly rate of pay prescribed in article 13 and Schedule 4 of this Order as applicable to that grade or category of agricultural worker.

(2) The amount of agricultural sick pay payable to an agricultural worker is determined by calculating the number of daily contractual hours that would have been worked during a period of sickness absence.

(3) The number of daily contractual hours are determined—

- (a) in circumstances where an agricultural worker works a fixed number of hours each week by dividing the total number of hours worked during any week by the number of days worked in that week;
- (b) in circumstances where an agricultural worker works a varying number of hours each week, by applying the formula

$$\frac{QH \div 8}{DWEH}$$

where —

QH is the total number of qualifying hours in the period, and

DWEH is the number of days worked each week by the agricultural worker when taken as an average during a period of 8 weeks immediately preceding the commencement of the sickness absence.

(4) In this article “qualifying hours” are hours where—

- (a) the agricultural worker worked basic hours or guaranteed overtime;
- (b) the agricultural worker took annual leave or bereavement leave;
- (c) the agricultural worker had sickness absence qualifying for agricultural sick pay under this order; or
- (d) the agricultural worker had sickness absence not qualifying for agricultural sick pay under this order; and

‘qualifying days’ are any days within the period on which there were qualifying hours relating to the agricultural worker.

(5) For the purposes of calculations under this article, where an agricultural worker has been employed by their employer for less than eight weeks, account must be taken of qualifying hours and qualifying days in the actual number of weeks of the agricultural worker’s employment with their employer.