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WELSH STATUTORY INSTRUMENTS

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**2023 No. 260**

**The Agricultural Wages (Wales) Order 2023**

**PART 4**

**Entitlement to agricultural sick pay**

**Damages recovered for loss of earnings**

**27.**—(1) This article applies to an agricultural worker whose entitlement to agricultural sick pay arises because of the actions or omissions of a person other than their employer and damages are recovered by the agricultural worker in respect of loss of earnings suffered during the period in respect of which the agricultural worker received agricultural sick pay from their employer.

(2) Where paragraph (1) applies—

- (a) the agricultural worker must immediately notify their employer of all the relevant circumstances and of any claim and of any damages recovered under any compromise, settlement or judgment,
- (b) all agricultural sick pay paid by the employer to that agricultural worker in respect of the sickness absence for which damages for loss of earnings are recovered must constitute a loan to the worker, and
- (c) the agricultural worker must refund to their employer a sum not exceeding the lesser of—
  - (i) the amount of damages recovered for loss of earnings in the period for which agricultural sick pay was paid, and
  - (ii) the sums advanced to the agricultural worker from their employer under this Part by way of agricultural sick pay.