

Dear Sirs

My apologies on the late submission.

While I welcome the Bill I do have some issues

1 Because a service charge distributed through the payroll in Sch 1 Part 1 is taken into account in calculating "pay" for the Principal Act but Part 2 of the Schedule excludes gratuities distributed through the payroll

I would propose that Schedule 1 Part 1 point 5 be deleted

I would also propose that Schedule 1 Part 2 point 5 be amended by adding after the word "employer" the words " or, the amount of any service charge distributed to the employees through the payroll"

The reason is simple. Service charges which people see as tips are actually used to pay salaries/wages . If somebody leaves a tip(or service charge ,if called that) they presume it goes to the staff. By allowing service charges to be used towards paying wages these defeats the basis of tipping.

In the alternative if this is not accepted could I propose that if the Schedule is to remain as it is a new Section be inserted

"Where an employer charges a service charge the employer shall specify on any menu a statement as to whether same is distributed to employees and whether or not same if distributed to employees are taken into account under Schedule 1 Part 1 of the Principal Act in calculating the employees hourly rate of pay for the purposes of the Principal Act"

I am concerned employers may simply seek to move all tips to a service charge and achieve the same result of retaining the tips by simply using them to pay wages.

Again I apologise for the late submission

Kind regards

[Redacted signature]

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