

20 July 2018.

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Department of Employment and Social Protection
Aras Mhic Dhiarmada
Store Street
Dublin 1
D01 WY03.

Dear Mr. Kavanagh

I refer to your email of the 19 June 2018 to the Irish Congress of Trade Unions seeking our views on the National Minimum Wage (Protection of Employee Tips) Bill 2017.

Congress believes this is an important Bill and if passed into law will bring much needed certainty as to the treatment of tips and gratuities. As the Commission will be aware, Congress affiliates represent thousands of workers in the hotel, restaurant and hospitality sector. It is normal in this sector for customers to leave tips and gratuities which they fully intend to be passed onto employees. However, in many cases the employer concerned does not do so. It is for this reason that Congress believes that the proposed legislation is appropriate.

Congress in particular welcomes:

- The clear definition of to what constitutes a tip or a gratuity;
- The prohibition on the employer from withholding tips or gratuities from employees or the making of deductions from employees' wages equivalent to the amount of tips and gratuities they have received directly from customers;
- The requirement on the employer to prominently display the policy on the distribution of tips and gratuities;
- The prohibition on the employer, a director or a shareholder of a company receiving a share of tips or gratuities where a tronc scheme is in operation; and
- The clear procedure for the making of a complaint by an employee where they believe their rights under the proposed legislation are contravened.

For the reasons stated above, Congress would encourage the Commission to recommend to the Government that the Bill be enacted as soon as practicable and that adequate priority is afforded to it so it can pass through all stages of the legislative process in the early part of 2019.

Yours sincerely

[REDACTED]

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