



DÁIL ÉIREANN

AN BILLE UM ÍOC PÁ (LEASÚ) (SÉISÍNÍ AGUS AISCÍ), 2022 PAYMENT OF WAGES (AMENDMENT) (TIPS AND GRATUITIES) BILL 2022

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM ÍOC PÁ (LEASÚ) (SÉISÍNÍ AGUS AISCÍ), 2022 —AN COISTE

PAYMENT OF WAGES (AMENDMENT) (TIPS AND GRATUITIES) BILL 2022 —COMMITTEE STAGE

Leasuithe Amendments

SECTION 2

1. In page 3, between lines 29 and 30, to insert the following:

“(c) is paid with the intention that it is a gift from a customer to a server(s) intended for the benefit of the server and other employees;”.

—Louise O'Reilly.

2. In page 4, between lines 10 and 11, to insert the following:

“(c) made with the intention that it is a gift from a customer to a server(s) intended for the benefit of the server and other employees;”.

—Louise O'Reilly.

SECTION 3

3. In page 4, lines 19 to 26, to delete all words from and including “(1) The” down to and including line 26 and substitute the following:

“(1) Sections 4B to 4F shall apply to all employers carrying on a business in the State in relation to which the payment of tips or gratuities by customers typically applies.”.

—Paul Murphy.

4. In page 6, lines 18 and 19, to delete “by an electronic mode of payment” and substitute “, including by an electronic mode of payment”.

—Paul Murphy.

5. In page 6, line 18, after “by” where it secondly occurs to insert “means of monetary payment and/or”.

—Louise O'Reilly.

[SECTION 3]

6. In page 6, between lines 19 and 20, to insert the following:

“(1A) (a) An employer to which this section applies shall, within 6 months of the entry into force of this Act, negotiate an agreement with employees providing for tips or gratuities to be distributed in a fair manner.

(b) An agreement under subsection (a) can be reviewed upon the request of twenty percent of the relevant employees.”.

—Paul Murphy.

7. In page 6, lines 21 and 22, to delete “by an electronic mode of payment” and substitute “, including by an electronic mode of payment”.

—Paul Murphy.

8. In page 6, line 21, after “by” where it secondly occurs to insert “means of monetary payment and/or”.

—Louise O'Reilly.

9. In page 6, line 23, after “by” to insert “means of monetary payment and/or”.

—Louise O'Reilly.

10. In page 6, line 35, after “fair” to insert the following:

“or in considering on foot of a workplace inspection whether or not a distribution under subsection (1) of tips or gratuities to an employee is fair”.

—Paul Murphy.

11. In page 7, to delete lines 3 and 4.

—Paul Murphy.

12. In page 7, line 5, to delete “and influence”.

—Paul Murphy.

13. In page 7, line 11, after “distributed” to insert the following:

“where such an agreement is deemed to have been negotiated fairly with employees and is not itself manifestly unfair, it shall take precedence over other factors and circumstances”.

—Paul Murphy.

14. In page 7, between lines 11 and 12, to insert the following:

“(h) a general principal that tips, gratuities, and service charges are especially valuable for low-paid workers.”.

—Louise O'Reilly.

[SECTION 3]

15. In page 7, line 17, after “relates” to insert the following:

“, including the share of tips, gratuities, and mandatory service chargers distributed by the employer to themselves”.

—Louise O'Reilly.

16. In page 7, line 31, to delete “consult” and substitute “reach agreement”.

—Louise O'Reilly.

17. In page 7, to delete line 34, and substitute the following:

“offence and shall be liable on summary conviction to a class A fine, maximum of twelve months’ imprisonment or both.”.

—Paul Murphy.

18. In page 7, line 34, to delete “class C” and substitute “class A”.

—Louise O'Reilly.

19. In page 7, between lines 34 and 35, to insert the following:

“(9) An employer who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a class A fine, a maximum of five years’ imprisonment or both.”.

—Paul Murphy.

20. In page 8, to delete lines 1 and 2.

—Paul Murphy.

21. In page 8, to delete lines 3 to 5.

—Louise O'Reilly.

22. In page 8, between lines 5 and 6, to insert the following:

“(iii) an employer who contravenes paragraphs (a) or (b) shall be guilty of an offence and shall be liable on summary conviction to a class A fine, a maximum of five years’ imprisonment or both.”.

—Paul Murphy.

23. In page 8, line 18, to delete “class C” and substitute “class A”.

—Louise O'Reilly.

24. In page 8, between lines 18 and 19, to insert the following:

“(3) An employer who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a class A fine, a maximum of five years’ imprisonment or both.”.

—Paul Murphy.

[SECTION 3]

25. In page 8, line 21, to delete “a notice” and substitute “notices”.

—Paul Murphy.

26. In page 8, lines 21 and 22, to delete “a notice (in this Act referred to as a ‘tips and gratuities notice’)” and substitute the following:

“at least one notice (in this Act referred to as a ‘tips and gratuities notice’), but as many as are required such that they would be clearly visible to all customers”.

—Paul Murphy.

27. In page 8, line 21, after “notice” to insert the following:

“prominently and in such a way that it would be clearly visible to all customers, including on each individual menu,”.

—Paul Murphy.

28. In page 8, line 24, after “employees” to insert “and contract workers”.

—Paul Murphy.

29. In page 8, line 26, after “employees” to insert “and contract workers”.

—Paul Murphy.

30. In page 8, line 29, after “employees” to insert “and contract workers”.

—Paul Murphy.

31. In page 9, line 6, to delete “class C” and substitute “class A”.

—Paul Murphy.

32. In page 9, line 37, to delete “class C” and substitute “class A”.

—Paul Murphy, Louise O'Reilly.