

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY  
BY DEPUTY G.P. SOUTHERN OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 16th JUNE 2009**

**Question**

Following the moves by the United Kingdom government to eliminate the widespread practice of subsidising sub-minimum wage rates for waiters by the use of tips in restaurants, will the Minister state what research, if any, the Social Security Department has undertaken to determine the extent of this practice locally, and if none, will he agree to investigate such practice?

**Answer**

The independent consultation body, the Employment Forum, has a statutory duty to make recommendations relating to the application and operation of the minimum wage, as provided by the Employment (Jersey) Law 2005.

The Forum's 2008 recommendation to the Social Security Minister, which was presented as an Annexe to Proposition P.180/2008 (lodged on 9th December 2008), recommended that further consultation should be undertaken during 2009 regarding the use of tips, gratuities and service charges as payment towards the minimum wage.

In that recommendation, the Forum stated; *"The Forum considers that more information is necessary regarding the payment, collection and distribution of tips and gratuities, and consultation is required with relevant industries, such as restaurateurs. The Forum considers that there are issues regarding enforcement of tips and their redistribution that would require further research as the issue is likely to be more complex than it appears."*

The Forum noted that the UK Government intended to consult on the matter, and the Forum will take into account the outcomes of that consultation (which were released in May 2009) during the public review to be undertaken this summer. The resulting recommendation will be presented to the Social Security Minister in October 2009.