

1975 Bill 218

Fourth Session, 17th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 218

THE TIPS AND GRATUITIES ACT, 1975

MR. WILSON

First Reading

Second Reading

Third Reading

BILL 218

1975

THE TIPS AND GRATUITIES ACT, 1975

(Assented to _____, 1975)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. In this Act,

- (a) "employer" means a person, firm, association, body or corporation who has in his, her or its service one or more persons;
- (b) "agent" means a person who has the authority to act for another;
- (c) "employee" means a person who works for an employer;
- (d) "patron" means one who buys goods or services from an employer;
- (e) "tip or gratuity" means a present of money in return for service;
- (f) "wages" means wages, salary or any other monetary benefit deriving from work for an employer, other than tips or gratuities.

2. (1) No employer, or his agent, shall

- (a) collect, take or receive any tip or gratuity, or any part thereof, given to or left for an employee by a patron, or
- (b) deduct any amount from wages due to an employee on account of any such tips or gratuities, or
- (c) require an employee to credit the amount, or any part thereof, of any such tip or gratuity against and as part of the wages due to the employee from the employer.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

Explanatory Notes

3. Every tip or gratuity is hereby declared to be the sole property of the employee or employees to whom it was given or for whom it was left.

4. Nothing contained in this Act shall make it an offence for

- (a) a group of employees to share tips or gratuities between themselves in accordance with a scheme of distribution of which a majority of such group of employees approves, or**
- (b) an employer to make participation in such a scheme a condition of employment or of continuing employment, of an employee who is to be hired to become, or who is employed as a member of such group, or**
- (c) an employer to receive tips or gratuities, either in the form of cash or in other forms including cheques or credit charges, in trust for an individual employee or in trust for a group of employees who have agreed to participate in such a scheme providing the employer promptly returns such tips or gratuities to the individual for whom it was received or distributes it according to such scheme, as the case may be.**

5. This Act comes into force on the day upon which it is assented to.