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For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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CHAPTER E-6.2

EMPLOYMENT STANDARDS ACT

REGULATIONS

Pursuant to section 41 of the *Employment Standards Act* R.S.P.E.I. 1988, Cap. E-6.2, Council made the following regulations:

1. No employer shall make any deduction from an employee's pay except where the deduction Permissible deductions
 - (a) is required or authorized by statute;
 - (b) is mutually agreed upon by the employer and the employee;
 - (c) is ordered by a court;
 - (d) is the result of a previous advance of wages to the employee;
 - (e) is as a result of a previous advance of vacation pay to the employee; or
 - (f) is authorized by the Minimum Wage Order. (EC573/98)

2. (1) Tips or gratuities are the property of the employee to whom or for whom they are intended. Tips and gratuities property of employee
 - (2) No employer shall Restriction
 - (a) withhold tips or gratuities intended for an employee; or
 - (b) treat tips or gratuities intended for an employee as the wages or partial wages of the employee,unless the employer and the employee agree that the tips or gratuities of the employee are to be calculated as additional wages of the employee.

 - (3) Where the tips and gratuities of an employee are based on the billings of his or her employer in respect of banquets, bus tours, and other similar events, the employer shall pay the tips and gratuities to the employee within 60 days of the date of the event. Billings

 - (4) No owner of a work establishment or employer of an employee shall require an employee to share a tip or a gratuity with the owner or employer of the employee. Exclusive to employee

 - (5) Where an employer imposes a surcharge or other charge on a customer in lieu of the payment of tips or gratuities to an employee, all of the amounts collected in respect of the surcharge or other charge Employer surcharge
 - (a) are deemed to be the property of the employee;
 - (b) shall be distributed by the employer to the employee not later than the time of the next pay period; and

(c) subject to clause 2(2)(b), shall not be withheld by the employer or treated by the employer as the wages or partial wages of an employee.

Prohibition

(6) An employer shall not pass on any administrative charges of the employer, including credit card or debit card charges, to an employee.

Pooling

(7) An employer may adopt the practice of pooling tips and gratuities for the benefit of some or all of the employees, but such practice does not give the employer a proprietary interest in the tips and gratuities so pooled.

Notice

(8) An employer shall advise an employee, in writing, of any pooling policy in effect at the time of hiring. (EC137/06)

Posting

3. Every employer shall post this regulation and keep this regulation posted in a conspicuous place in the work establishment. (EC573/98)