



WENDY ALBERTS

15th AUGUST 2007

PER EMAIL – wendy@restaurant.org.za

Dear Wendy,

I acknowledge receipt of your email dated the 8th August 2007, enclosing Wendy Knowler's request.

First of all let me apologise for the delay in responding, however, I have been away for a few days.

In terms of the 10% service fee which is added on to the bill, there is nothing in the Sectorial Determination that prevents this, however, obviously the restaurant owners need to consider the negative impact that this may have on their clientele.

It also, from my experience, has been that the 10% surge-charge where charged does not necessarily get passed on to the waitrons.

Be that as it may legally there is not a problem with it, however, morally there may be a problem with it, and restaurant owners need to think carefully before doing it, as it could affect the patronage.

In Wendy's letter she asks "do the restaurant owners have the right to charge a compulsory service fee" they do have this right at common law there is nothing prohibiting it.

Moving on the statement by Wendy with regard to the subtracting 12% from the waitron's bill in order to recoup his new wage this is not acceptable.

The Sectorial Determination is very clear that with effect from 1 July 2007 an employer must pay an employee at least the minimum wage excluding gratuity or tips.

The method suggested in Wendy's email would be highly unethical.

In terms of her next question, "have RASA issued its members guidelines on what it consider acceptable, and what it does not", obviously I have not heard from you with regard to this, but I am more than willing to assist in developing such guidelines, should this not exist.

If a member of the public is unhappy with the way a restaurant is conducting itself, and if they believe the waitrons are being abused, in other words the benefits of the 10% service fee, if charged, is not being passed on to them, obviously they can always refer this to the Department of Labour who would send an Inspector to checkout the way the system works.

I trust that this answers your queries, however, should you require more details, please feel free to contact me

Kind regards.

TONY ERASMUS
B COMM LLB FILPA