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INTERNATIONAL LABOUR OFFICE GENEVA

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**REPORT FORM**  
FOR THE  
**WORKING CONDITIONS**  
**(HOTELS AND RESTAURANTS)**  
**CONVENTION, 1991 (No. 172)**

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

Governments may find it useful to consult the appended text of the Working Conditions (Hotels and Restaurants) Recommendation, 1991 (No. 179), the provisions of which supplement the present Convention. It may contribute to a better understanding of its requirements and facilitate its application.

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**PRACTICAL GUIDANCE FOR PREPARING REPORTS**

*First reports*

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

*Subsequent reports*

In subsequent reports, information need normally be given only:

- (a) on any new legislative or other measures affecting the application of the Convention;

- (b) in reply to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organisations of employers and workers and any observations received from these organisations;

- (c) in reply to comments by supervisory bodies: the report must contain replies to any comments regarding the application of the Convention in your country which may have been addressed to your Government by the Committee of Experts or by the Conference Committee on the Application of Standards.
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## Article 22 of the Constitution of the ILO

Report for the period ..... to.....  
made by the Government of .....

on the

### WORKING CONDITIONS (HOTELS AND RESTAURANTS) CONVENTION, 1991 (No. 172)

(ratification registered on.....)

- I. Please give a list of the laws and regulations, code of practice, etc., which apply to the provisions of the Convention. Please attach to the report copies of the said laws, etc., unless these texts have already been forwarded to the International Labour Office.

Please give any available information concerning the extent to which the above-mentioned laws and regulations, etc., have been enacted or modified to permit ratification or as a result of ratification.

- II. Please indicate in detail, under each of the following Articles of the Convention, the above-mentioned laws and administrative regulations, etc., or any other measures concerning the application of each one of these Articles. Please indicate also any information specifically requested concerning the different Articles.

If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what steps have been taken to implement the provisions of the Convention requiring action by the national authorities to ensure its application.

If the Committee of Experts or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

#### Article 1

1. Subject to the provisions of Article 2, paragraph 1, this Convention applies to workers employed within:

- (a) hotels and similar establishments providing lodging;
- (b) restaurants and similar establishments providing food, beverages or both.

2. The definition of the categories referred to in subparagraphs (a) and (b) above shall be determined by each Member in the light of national conditions and after consulting the employers' and workers' organisations concerned. Each Member which ratifies the Convention may, after consulting the employers' and workers' organisations concerned, exclude from its application certain types of establishments which fall within the definition mentioned above, but where nevertheless special problems of a substantial nature arise.

3. (a) Each Member which ratifies this Convention may, after consulting the employers' and workers' organisations concerned, extend its application to other related establishments providing tourism services which shall be specified in a declaration appended to its ratification.

(b) Each Member which has ratified this Convention may, after consulting the employers' and workers' organisations concerned, further subsequently notify the Director-General of the International Labour Office, by a declaration, that it extends the application of the Convention to further categories of related establishments providing tourism services.

4. Each Member which ratifies this Convention shall list in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any type of establishment which may have been excluded in pursuance of paragraph 2 above, giving the reasons for such exclusion, stating the respective positions of the employers' and workers' organisations concerned with regard to such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the establishments excluded, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such establishments.

1. Please indicate the provisions which guarantee the application of the Convention to workers of the sectors specified in paragraph 1, and, where applicable, to the workers of related establishments stipulated in paragraph 3.

2. Please provide information on the methods of consultation with organisations of employers and workers on the matters covered by paragraphs 2 and 3.

#### Article 2

1. For the purpose of this Convention, the term "the workers concerned" means workers employed within establishments to which the Convention applies pursuant to the provisions of Article 1, irrespective of the nature and duration of their employment relationship. However, each Member may, in the light of national law, conditions and practice and after consulting the employers' and workers' organisations concerned, exclude certain particular categories of workers from the application of all or some of the provisions of this Convention.

2. Each Member which ratifies this Convention shall list, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation, any categories of workers which may have been excluded in pursuance of paragraph 1 above, giving the reasons for such exclusion, and shall indicate in subsequent reports any progress towards wider application.

#### Article 3

1. Each Member shall, with due respect to the autonomy of the employers' and workers' organisations concerned, adopt and apply, in a manner appropriate to national law, conditions and practice, a policy designed to improve the working conditions of the workers concerned.

2. The general objective of such a policy shall be to ensure that the workers concerned are not excluded from the scope of any minimum standards adopted at the national level for workers in general, including those relating to social security entitlements.

*Please indicate the measures taken to adopt and apply the national policy for which provision is made in the present Article.*

#### Article 4

1. Unless otherwise determined by national law or practice, the term "hours of work" means the time during which a worker is at the disposal of the employer.

2. The workers concerned shall be entitled to reasonable normal hours of work and overtime provisions in accordance with national law and practice.

3. The workers concerned shall be provided with reasonable minimum daily and weekly rest periods, in accordance with national law and practice.

4. The workers concerned shall, where possible, have sufficient advance notice of working schedules to enable them to organise their personal and family life accordingly.

1. *Where necessary, please indicate the meaning given in national legislation to the expression "hours of work" for workers protected by the Convention.*

2. *Please indicate the measures taken to give effect to the provisions of paragraphs 2, 3 and 4.*

#### Article 5

1. If workers are required to work on public holidays, they shall be appropriately compensated in time or remuneration, as determined by collective bargaining or in accordance with national law or practice.

2. The workers concerned shall be entitled to annual leave with pay of a length to be determined by collective bargaining or in accordance with national law or practice.

3. In cases where their contract expires or their period of continuous service is not of sufficient duration to qualify them for full annual leave, the workers concerned shall be entitled to paid leave proportionate to the length of service or payment of wages in lieu, as determined by collective bargaining or in accordance with national law or practice.

*Please indicate the measures taken to give effect to the provisions of this Article.*

#### Article 6

1. The term "tip" means an amount of money given voluntarily to the worker by a customer, in addition to the amount which the customer has to pay for the services received.

2. Regardless of tips, the workers concerned shall receive a basic remuneration that is paid at regular intervals.

*Please indicate the components of the basic remuneration and stipulate the provisions of national legislation which give effect to paragraph 2.*

#### Article 7

Where such a practice exists, the sale and purchase of employment in establishments referred to in Article 1 shall be prohibited.

*Please indicate the measures taken to ensure the application of the prohibition contained in this Article.*

#### Article 8

1. The provisions of this Convention may be applied by or through national laws or regulations, collective agreements, arbitration awards or judicial decisions, or in any other appropriate manner consistent with national practice.

2. For the Members where the provisions of this Convention are matters normally left to agreements between employers or employers' organisations and workers' organisations, or are normally carried out otherwise than by law, compliance with those provisions shall be treated as effective if they are applied through such agreements or other means to the great majority of the workers concerned.

*Please provide information on collective agreements or the other measures covered by paragraph 2 and indicate the method by which the number of workers covered by the Conventions or the other measures is evaluated.*

III. Please indicate to what authority or authorities the application of the above-mentioned laws and administrative regulations, etc., has been entrusted and by what methods such application is supervised.

IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the texts of these decisions.

V. Please provide general indications as to the manner in which the Convention is applied in your country, including – if information has not already been provided on other points in this form – information concerning the number of workers covered by measures giving effect to the Convention, the number and nature of violations registered, etc.

VI. Please indicate the representative organisations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.<sup>1</sup> If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the employers' and workers' organisations concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate the texts of these observations, together with any comments that you consider useful.

<sup>1</sup> Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

## APPENDIX

### WORKING CONDITIONS (HOTELS AND RESTAURANTS) RECOMMENDATION, 1991 (No. 179)

#### I. GENERAL PROVISIONS

1. This Recommendation applies to workers, as defined in paragraph 3, employed within:

- (a) hotels and similar establishments providing lodging;
- (b) restaurants and similar establishments providing food, beverages or both.

2. Members may, after consulting the employers' and workers' organisations concerned, extend the application of this Recommendation to other related establishments providing tourism services.

3. For the purpose of this Recommendation the term "the workers concerned" means workers employed within establishments to which this Recommendation applies pursuant to the provisions of paragraphs 1 and 2, irrespective of the nature and duration of their employment relationship.

4. (1) This Recommendation may be applied by or through national laws or regulations, collective agreements, arbitration awards or judicial decisions, or in any other appropriate manner consistent with national practice.

(2) Members should:

- (a) provide for the effective supervision of the application of measures taken in pursuance of this Recommendation through an inspection service or other appropriate means;
- (b) encourage the employers' and workers' organisations concerned to play an active part in promoting the application of the provisions of this Recommendation.

5. The general objective of this Recommendation is, with due respect to the autonomy of the employers' and workers' organisations concerned, to improve the working conditions of the workers concerned in order to bring them closer to those prevailing in other sectors of the economy.

#### II. HOURS OF WORK AND REST PERIODS

6. Unless otherwise determined by the methods referred to in paragraph 4(1), the term "hours of work" means the time during which a worker is at the disposal of the employer.

7. (1) The implementation of measures fixing normal hours of work and regulating overtime should be the

subject of consultations between the employer and the workers concerned or their representatives.

(2) The term "workers' representatives" means persons who are recognised as such by national law or practice, in accordance with the Workers' Representatives Convention, 1971.

(3) Overtime work should be compensated by time off with pay, by a higher rate or rates of remuneration for the overtime worked, or by a higher rate of remuneration, as determined in accordance with national law and practice and after consultations between the employer and the workers concerned or their representatives.

(4) Measures should be taken to ensure that working hours and overtime work are properly calculated and recorded and that each worker has access to his or her record.

8. Wherever practicable, split shifts should be progressively eliminated, preferably through collective bargaining.

9. The number and length of meal breaks should be determined in the light of the customs and traditions of each country or area and according to whether the meal is taken in the establishment itself or elsewhere.

10. (1) The workers concerned should, as far as possible, be entitled to a weekly rest of not less than 36 hours which, wherever practicable, should be an uninterrupted period.

(2) The workers concerned should be entitled to an average daily rest period of ten consecutive hours.

11. Where the length of paid annual holiday for the workers concerned is less than four weeks for one year of service, steps should be taken, through collective bargaining or other means consistent with national practice, to bring it progressively to that level.

#### III. TRAINING

12. (1) Each Member should, in consultation with the employers' and workers' organisations concerned, establish, or where appropriate assist employers' and workers' organisations and other institutions in the establishment of, policies and programmes of vocational education and training and of management development for the different occupations in hotels, restaurants and similar establishments.

(2) The principal objective of training programmes should be to improve skills and the quality of job performance and enhance the career prospects of the participants.