

NINTH MEETING OF THE SRM TWG

(16 - 20 SEPTEMBER 2024)

EXAMINATION OF INSTRUMENTS CONCERNING WORKING CONDITIONS (HOTELS AND RESTAURANTS)

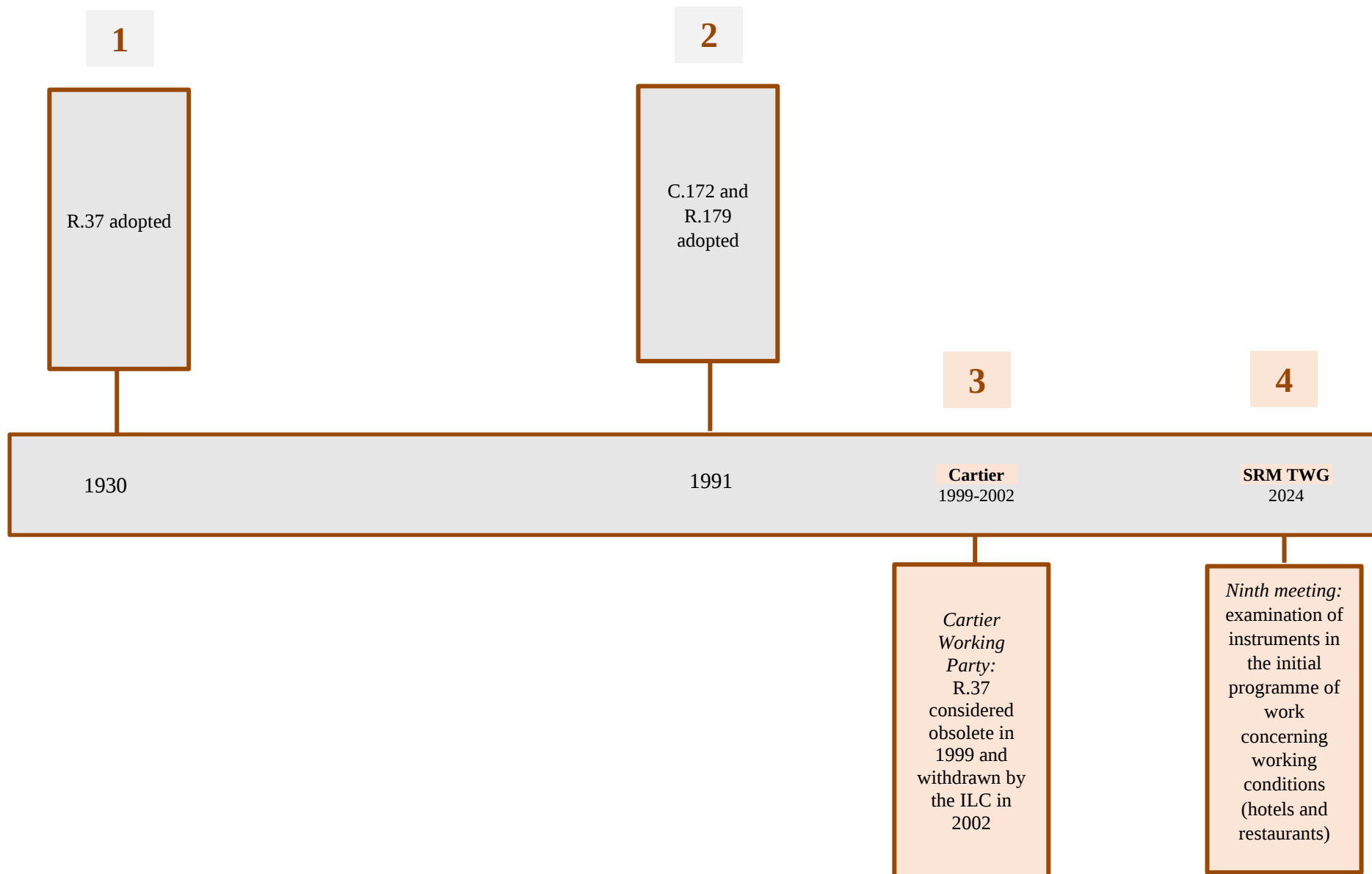
Technical Note 4.2: Instruments concerning working conditions (hotels and restaurants)

- There are two instruments in the initial programme of work concerning working conditions in hotels and restaurants:
 - Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)
 - Working Conditions (Hotels and Restaurants) Recommendation, 1991 (No. 179)
- *Current status of instrument:* Convention No. 172 and Recommendation No. 179 have been considered up-to-date (never reviewed).
- *Action to be considered:* Classification of Convention No. 172 and Recommendation No. 179 and determination of associated follow-up action.

9 August 2024

ILO regulation of working conditions in hotels and restaurants

Chronology of developments



ILO regulatory approach to working conditions in hotels and restaurants

Certain aspects of working conditions in hotels, restaurants, and similar establishments have been considered by the ILO since its earliest days. In 1930, the Hours of Work (Hotels, etc.) Recommendation, 1930 (No. 37) was adopted at the same time as the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), which excluded persons employed in hotels, restaurants, and other similar establishments from its scope.¹ The Recommendation, which was withdrawn in 2002, invited inquiries into hours of work of workers excluded from Convention No. 30 to enable a later examination of the possibility of adopting a Convention in this area.²

Between the 1960s and the 1980s, several ILO tripartite meetings addressed working conditions in hotels, restaurants, and other establishments. In 1991 dedicated instruments were adopted: the **Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)**, accompanied by the **Working Conditions (Hotels and Restaurants) Recommendation, 1991 (No. 179)**. Previous ILO standards were of general application, including hotels, restaurants and similar establishments without explicit mention.³ As stated in the Preamble of Convention No. 172:

the particular conditions characterising work in hotels, restaurants and similar establishments make it desirable to improve the application of these Conventions and Recommendations in these categories of establishments and to supplement them by specific standards designed to enable the workers concerned to enjoy a status corresponding to their role in these rapidly expanding categories of establishments and to attract new workers to them, by improving working conditions, training and career prospects.

Convention No. 172 and Recommendation No. 179 address issues such as working time (overtime regulations and rest periods as well as a reconciliation of working time with family life), regular remuneration (wages versus tips), and the promotion of vocational education and training in cooperation with employers' and workers' organizations.

ILO developments since adoption of the instruments

1. 1930: ILC adopted Recommendation No. 37

The purpose of Recommendation No. 37 was to invite Member States to conduct inquiries into hours of work of the categories of workers excluded from the scope of Convention No. 30 and

¹ ILO: [Working conditions in hotels and restaurants and similar establishments, Report VI \(1\) ILC](#), 77th Session, 1990, p.1.

² [GB.276/LILS/WP/PRS/4](#), para. II.5.

³ ILO: [Working conditions in hotels and restaurants and similar establishments, Report VI \(1\) ILC](#), 77th Session, 1990, p.3.

to inform the ILO of the results of these inquiries to allow the Governing Body to examine the possibility of adopting a Convention in this area at a later date.

See: [Recommendation No. 37](#)

2. 1991: ILC adopted Convention No. 172 and Recommendation No. 179

Convention No. 172 addresses working conditions in hotels and restaurants, covering aspects such as reasonable working hours, minimum daily and weekly rest periods, appropriate compensation (in time or remuneration) for work on holidays and regular remuneration (regardless of tips).

Recommendation No. 179 provides guidance on improving the working conditions in hotels and restaurants in order to bring them closer to those prevailing in other sectors of the economy. It addresses issues such as weekly and daily rest periods, the length of paid annual holidays, split shifts, vocational education and training and effective supervision.

See: [Convention No. 172](#); [Recommendation No. 179](#)

3. 2002: ILC withdrew Recommendation No. 37

The Cartier Working Party examined Recommendation No. 37 in 1999 and noted that it had lost its intended purpose, which was strictly time-limited, and that the issue of hours of work in the hotel and catering sector was dealt with in Convention No. 172 and Recommendation No. 179.

On that basis, the Governing Body considered Recommendation No. 37 to be obsolete and it was withdrawn by decision of the International Labour Conference at its 90th Session (2002).

See: [GB.276/LILS/WP/PRS/4](#), para. II.5; [Provisional Record 26 of the ILC 2002, p. 26/3](#).

Analysis of Convention No. 172 and Recommendation No. 179

The following table provides a provision-by-provision analysis of the substantive provisions of Convention No. 172 and Recommendation No. 179, compared with other relevant instruments of general application.

Contrary to more recent instruments, which use gender neutral language, Convention No. 172 uses outmoded gendered language by assuming a male ILO Director-General (Articles 12 and 13).⁴

⁴ See ILC, [Resolution concerning gender equality and the use of language in legal texts of the ILO](#), p. 18. The Conference resolved that “gender equality should be reflected through the use of appropriate language in official legal texts of the Organization...” and “that in the ILO Constitution and other legal texts of the Organization, in accordance with applicable rules of interpretation, the use of one gender includes in its meaning a reference to the other gender unless the context otherwise requires.”

ANALYSIS OF SUBSTANTIVE PROVISIONS OF CONVENTION NO. 172	
Art. 1	• <i>Objective:</i> The Convention applies to workers employed “in hotels and similar establishments providing lodging” and “restaurants and similar establishments providing food, beverages or both”. Possibility, after consulting the employers' and workers' organisations concerned: i) to exclude from the application of the Convention certain types of establishments where special problems of a substantial nature arise, and ii) to extend its application to other related establishments providing tourism services. • <i>Comparison with other relevant instruments:</i> There are no similar provisions covering specifically hotels and restaurants workers. • <i>Current relevance:</i> As determined in Art.1, C.172 addresses specifically the working conditions of workers in hotels and restaurants.
Art. 2	• <i>Objective:</i> The Convention applies to the “workers concerned”, i.e. the workers employed within establishments as defined in Art.1, irrespective of the nature and duration of their employment relationship. Possibility, in the light of national law, conditions and practice and after consulting the employers' and workers' organisations concerned, to exclude certain categories of workers from the application of all or some of the provisions of the Convention. • <i>Comparison with other relevant instruments:</i> There are no similar provisions. • <i>Current relevance:</i> As determined in Art. 2, C.172 addresses specifically the working conditions of workers in hotels and restaurants, irrespective of the nature and duration of their relationship, continues to be relevant considering that a large number of such workers are seasonal and migrants.
Art. 3	• <i>Objective:</i> Obligation to adopt and apply a policy designed to improve the working conditions of the workers concerned, and to ensure that they are not excluded from the scope of any national minimum standards for workers in general, including those relating to social security entitlements. • <i>Comparison with other relevant instruments:</i> There are no similar provisions covering specifically hotels and restaurants workers. • <i>Current relevance:</i> The objective of Art. 3, which is to ensure that national minimum standards for workers in general, including social security entitlements, are also applied to workers in hotels and restaurants, continues to be relevant, as seasonal or migrant workers are often excluded from the scope of national minimum standards. Workers in hotels and restaurants are also covered by international labour standards of general application unless they are excluded either directly or indirectly.
Art. 4	• <i>Objective:</i> Entitlement of workers concerned to reasonable normal hours of work and overtime provisions, reasonable minimum daily and weekly rest periods, and, where possible, sufficient advance notice of working schedules to enable them to organise their personal and family life accordingly. • <i>Comparison with other relevant instruments:</i> There are no similar provisions regulating normal hours of work and overtime for workers in hotels and restaurants. The Hours of Work (Commerce and Offices) Convention, 1930

	(No. 30), which regulates normal hours of work and overtime in commerce and offices, excludes from its scope of application “hotels, restaurants, boarding-houses, clubs, cafés and other refreshment houses”.⁵ The Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), which applies to persons employed in establishments providing personal services only if the ratifying State includes these persons in a declaration accompanying its ratification, provides that workers shall be entitled to an uninterrupted weekly rest period comprising not less than 24 hours in the course of each period of seven days. • <i>Current relevance:</i> Art. 4 is the only provision in international labour standards that addresses the specific situation of workers in hotels and restaurants in relation to hours of work, overtime and rest periods. Working time in general is regulated by a number of international labour standards, which do not always cover workers in hotels and restaurants.
Art. 5	• <i>Objective:</i> Obligation to compensate workers concerned in time or remuneration for work on public holidays, and entitlement of these workers to annual leave with pay of a length to be determined by collective bargaining or in accordance with national law or practice. 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. • <i>Comparison with other relevant instruments:</i> ○ There are no similar provisions for the compensation of workers in hotels and restaurants who work on public holidays. ○ The Holidays with Pay Convention (Revised), 1970 (No. 132)) provides for entitlement to annual leave with pay, which shall not be less than three working weeks for one year of service (Art. 3); a person whose length of service in any year is less than that required for the full entitlement shall be entitled in respect of that year to a holiday with pay proportionate to the length of service during that year (art.4). A minimum period of service may be required for entitlement to any annual holiday with pay, which shall be determined by the competent authority or through the appropriate machinery but shall not exceed six months (Art. 5). A worker who has completed a minimum period of service shall receive, upon termination of employment, a holiday with pay proportionate to the length of service for which she or he has not received such a holiday, or compensation in lieu thereof, or the equivalent holiday credit (Art. 11).⁶ ○ The Holidays with Pay Recommendation, 1954 (No. 98) indicates in this regard that it should be left to the appropriate machinery in each country “to provide that, where employment ceases before the worker has completed the service necessary to become eligible for an annual

⁵ The SRM TWG provisionally confirmed that at its tenth meeting (2025) it would review the sets of instruments on working time, including Convention No. 30.

⁶ The Committee observed that the legislation in only certain countries contains explicit provisions requiring the granting of proportionate leave to workers who do not complete the statutory minimum period of service for entitlement to annual leave. It has further noted that “in the case of workers who are not able to complete the statutory minimum period of service required for entitlement to leave due to the nature of their work, such as seasonal workers, national legislation in many countries does not contain provisions to prevent them from losing their annual leave entitlement”. See ILO: [General Survey, Ensuring decent working time for the future](#), ILC, Geneva, 2018, paras 292, 302 and 377.

	holiday with pay”, that the worker “should be entitled to a holiday with pay proportionate to the period of service performed or to compensation in lieu thereof or to the equivalent holiday credit, whichever is more practicable” (Para. 4(3)).⁷ • <i>Current relevance:</i> Art. 5 is the only provision in an international labour standard that addresses the specific situation of workers in hotels and restaurants in relation to compensation for work on public holidays and annual leave. In providing for payment of wages or paid leave proportionate to the length of service in cases where the length of service is shorter than the qualifying period for annual leave, Art. 5 protects short-term or seasonal restaurant and hotel workers that may otherwise not benefit from paid leave or compensation under C.132.
Art. 6	• <i>Objective:</i> Defines the term “tip” as 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. Regardless of tips, the workers concerned shall receive a basic remuneration that is paid at regular intervals. • <i>Comparison with other relevant instruments:</i> Under C. 95, the term “wages” means remuneration or earnings, however designated or calculated, capable of being expressed in terms of money and fixed by mutual agreement or by national laws or regulations, which are payable in virtue of a written or unwritten contract of employment by an employer to an employed person for work done or to be done or for services rendered or to be rendered; wages shall be paid regularly and the intervals shall be prescribed by national laws or regulations or fixed by collective agreement or arbitration award (Art. 12) • <i>Current relevance:</i> Art. 6 is partly encapsulated in C.95 which, however, does not expressly state that tips are not included in calculations of basic remuneration.⁸ As stated by the Committee of Experts, one of the objectives of the C.172 is precisely to ensure that a system of fixed remuneration is not entirely replaced by a system of voluntary gratuities.⁹
Art. 7	• <i>Objective:</i> Prohibition of the sale and purchase of employment in restaurants, hotels and similar establishments, as defined in Art 1. • <i>Comparison with other relevant instruments:</i> The Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29) states that the measures to be taken for the prevention of forced or compulsory labour shall include protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process. The Protection of Wages Convention, 1949 (No. 95) prohibits any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment, made by a worker to an employer or their

⁷ The Committee noted that these provisions are intended to protect those workers who, due to the seasonal or occasional nature of their work, are not employed for the length of the minimum period of service for entitlement to annual leave. This is even more important in cases where national legislation establishes qualifying periods of service longer than six months. See ILO: [General Survey, Ensuring decent working time for the future](#), ILC, Geneva, 2018, paras 300-301.

⁸ Tips are voluntary gratuities by which the customer expresses his satisfaction with a personal service which he has received or expects to receive and, as such, can be considered a personal gift from a customer to a person with whom he or she has no employment relationship. Although, in this sense, tips do not constitute a wage, they are in practice very often considered by the employer as remuneration for work. In some countries it is not rare for tips to constitute the main or sole earnings of the employees. See ILO: [Working conditions in hotels and restaurants and similar establishments, Report VI \(1\) ILC](#), 77th Session, 1990, p.32.

⁹ See Mexico, [Direct request](#), adopted in 2003.

	representative or to any intermediary (such as a labour contractor or recruiter). The Private Employment Agencies Convention, 1997 (No. 181) provides that private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers. • <i>Current relevance:</i> Art. 7 addresses the specific situation of workers in hotels and restaurants in relation to recruitment, and this provision is still relevant as it concerns an ongoing practice.¹⁰
ANALYSIS OF SUBSTANTIVE PROVISIONS OF RECOMMENDATION NO. 179	
Paras 1-3	• <i>Objective:</i> R.179 applies to workers employed “in hotels and similar establishments providing lodging” and “restaurants and similar establishments providing food, beverages or both”. After consulting the employers' and workers' organisations concerned, application may be extended to “other related establishments providing tourism services”. Application of the Recommendation to the workers concerned irrespective of the nature and duration of their employment relationship. • <i>Comparison with other relevant instruments:</i> There are no similar provisions. • <i>Current relevance:</i> As determined in its paras 1-3, R. 179 addresses specifically the working conditions of workers in hotels and restaurants.
Para. 4	• <i>Objective:</i> According to Art.4, R.179 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. 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 R.179. • <i>Comparison with other relevant instruments:</i> The Labour Inspection Convention, 1947 (No. 81) requires the maintenance of a system of labour inspection in commercial workplaces. • <i>Current relevance:</i> Para. 4 addresses the issue of supervision of working conditions which is a particular challenge in the hotels and restaurants sector.
Para. 5	• <i>Objective:</i> The objective of the Recommendation, with due respect to the autonomy of the employers' and workers' organisations concerned, is to improve the working conditions of the workers concerned in order to bring them closer to those prevailing in other sectors of the economy. • <i>Comparison with other relevant instruments:</i> Similar provisions in other instruments aim to ensure that specific categories of workers enjoy working conditions that are not less favourable than other workers e.g. workers in the informal economy (para. 18 of the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)), domestic workers (Art. 6 of the

¹⁰ The Tripartite Technical Meeting in 1965 was unanimous in condemning the practice whereby, to obtain a lucrative job, people sometimes had to pay a certain amount of money to the owner of the premises or establishment. See ILO: [Working conditions in hotels and restaurants and similar establishments, Report VI \(1\) ILC](#), 77th Session, 1990, p.32. See [Spain, observation](#), adopted in 2019.

	Domestic Workers Convention, 2011 (No. 189)), home workers (Art.4(1) of the Home Work Convention, 1996 (No. 177)). • <i>Current relevance:</i> The objective of para. 5 of R.179, i.e. to improve the working conditions of workers in the hotels and restaurants sector in order to bring them closer to those prevailing in other sectors continues to be relevant.
Para. 6	• <i>Objective:</i> 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. • <i>Comparison with other relevant instruments:</i> The Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), which provides in Article 2 that ‘hours of work’ does not include rest periods during which the persons employed are not at the disposal of the employer, excludes from its scope of application “hotels, restaurants, boarding-houses, clubs, cafés and other refreshment houses”.¹¹ Similar provisions exist in other instruments with regard to workers in other sectors, e.g. the Domestic Workers Convention, 2011 (No. 189) and the Nursing Personnel Recommendation, 1977 (No. 157). • <i>Current relevance:</i> Para. 6 is the only provision in a Recommendation that defines the term “hours of work” for workers in hotels and restaurants.
Para. 7	• <i>Objective:</i> The implementation of measures fixing normal hours of work and regulating overtime should be consulted between the employer and the workers concerned or their representatives. 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. Measures should ensure that working hours and overtime work are properly calculated and recorded and that workers have access to their records. • <i>Comparison with other relevant instruments:</i> There are no similar provisions regulating normal hours of work and compensation for overtime for workers in hotels and restaurants. The Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), which regulates normal hours of work and compensation for overtime in commerce and offices, excludes from its scope of application “hotels, restaurants, boarding-houses, clubs, cafés and other refreshment houses”.¹² Similar provisions exist in other instruments with regard to workers in other sectors, e.g. the Domestic Workers Convention, 2011 (No. 189) and the Nursing Personnel Recommendation, 1977 (No. 157).). • <i>Current relevance:</i> Para. 7 is the only provision in an international labour standard that addresses the specific situation of workers in hotels and restaurants in relation to normal hours of work and the regulation of overtime.
	• <i>Objective:</i> Wherever practicable, split shifts should be progressively eliminated, preferably through collective bargaining.

¹¹ The SRM TWG provisionally confirmed that at its tenth meeting (2025) it would review the sets of instruments on working time, including Convention No. 30.

¹² The SRM TWG provisionally confirmed that at its tenth meeting (2025) it would review the sets of instruments on working time, including Convention No. 30.

Para. 8	• <i>Comparison with other relevant instruments:</i> There are no similar provisions regulating shifts work for workers in hotels and restaurants. • <i>Current relevance:</i> The objective of Para. 8 of R.179, i.e. the progressive elimination of split shifts wherever this is practicable, retains its relevance.¹³
Para. 9	• <i>Objective:</i> 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. • <i>Comparison with other relevant instruments:</i> The specific issue of meal breaks for workers in hotels and restaurants is not covered by working time instruments of general application such as Conventions Nos 1, 30 and 47. However, the Nursing Personnel Recommendation, 1977 (No. 157) provides for meal breaks of reasonable duration for nursing personnel (para. 34 (1)) and other sectoral instruments, such as the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153), or the Domestic Workers Convention, 2011 (No. 189) provide for mandatory rest periods. • <i>Current relevance:</i> R.179 is the only instrument that addresses the specific situation of workers in hotels and restaurants in relation to meal breaks.
Para. 10	• <i>Objective:</i> Workers should be entitled to an average daily rest period of 10 consecutive hours and, as far as possible, to a weekly rest of not less than 36 hours which, wherever practicable, should be uninterrupted. • <i>Comparison with other relevant instruments:</i> There are no similar provisions regulating daily rest for workers in hotels and restaurants. The Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), which applies to persons employed in establishments providing personal services only if the ratifying State includes these persons in a declaration accompanying its ratification, provides that workers shall be entitled to an uninterrupted weekly rest period comprising not less than 24 hours in the course of each period of seven days. The Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), which, among others, regulates daily rest in commerce and offices and adopts the principle of the 8-hours day, excludes from its scope of application “hotels, restaurants, boarding-houses, clubs, cafés and other refreshment houses”.¹⁴ There are similar provisions with regard to nursing personnel (Recommendation No. 157). • <i>Current relevance:</i> Para. 10 calls to extend the weekly rest to 36 hours for workers in hotels and restaurants, thus expanding the protection provided under C.106.
	• <i>Objective:</i> If the duration of paid annual holiday is less than four weeks for one year of service, steps should be taken, through collective bargaining or

¹³ In split working hours, the daily working schedule is divided into several parts interspersed with long breaks. This entails very long working days and makes it more difficult to reconcile work and family life. See ILO: [General Survey, Ensuring decent working time for the future](#), ILC, Geneva, 2018, fn 103. Note that Conventions Nos 43 and 49, which are the only working time instruments to specifically regulate minimum rest periods for shift work, are included in the instruments on working time that will be examined by the SRM TWG at its tenth meeting (2025). In follow-up to the recommendations of the SRM TWG at its second meeting (2016), the Governing Body noted that the SRM TWG would “follow-up itself the regulatory gap identified with regard to the topic of shift work in its later discussion... on the working time instruments”: [GB.328/LILS/2/1\(Rev.\)](#), para. 5(d).

¹⁴ The SRM TWG provisionally confirmed that at its tenth meeting (2025) it would review the sets of instruments on working time, including Convention No. 30.

Para. 11	other means consistent with national practice, to bring it progressively to that level. • <i>Comparison with other relevant instruments:</i> There is an almost identical provision (para. 39(2)) for nursing personnel in the Nursing Personnel Recommendation, 1977 (No. 157). The Holidays with Pay Convention (Revised), 1970 (No. 132)¹⁵, which applies to all employed persons except seafarers, provides that the annual holiday shall in no case be less than three working weeks for one year of service. • <i>Current relevance:</i> Para. 11 calls to extend the paid annual holiday to four weeks for workers in hotels and restaurants, thus expanding the protection provided under C.132.
Para. 12	• <i>Objective:</i> Member States should establish, in consultation with the employers' and workers' organisations concerned, policies and programmes of vocational education and training and of management development for the different occupations in hotels, restaurants and similar establishments. The principal objective is to improve skills and the quality of job performance and enhance the career prospects of participants. • <i>Comparison with other relevant instruments:</i> The Human Resources Development Convention, 1975 (No. 142) requires Member States to adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training, closely linked with employment, in particular through public employment services. They shall be formulated and implemented in co-operation with employers' and workers' organisations. • <i>Current relevance:</i> Para. 12 addresses more specifically the needs of workers in hotels and restaurants in relation to vocational education and training.

The instruments in 2024

A Policy context

The hotels, catering, and tourism sector is a major driver of economic growth, enterprise development and job creation, particularly for women, youth, migrant workers and local communities. According to ILO estimates, over 230 million workers or approximately 7.2 per cent of the global workforce are employed in tourism industries around the world.¹⁶ Data from 2019 shows that the accommodation and food services sub-sectors alone provide employment for 144 million workers worldwide, which includes approximately 44 million own account workers and 7 million employers.¹⁷

In recent years, the sector has undergone significant expansion and diversification, emerging as one of the largest and fastest-growing economic sectors globally. Micro, small, and medium-

¹⁵ The SRM TWG provisionally confirmed that at its tenth meeting (2025) it would review the sets of instruments on working time, including Convention No. 132.

¹⁶ See ILO: ILOSTAT, [How data can bolster decent work in the tourism sector](#), 2023.

¹⁷ ILO: [ILO Sectoral Brief: COVID-19 and the tourism sector](#), Geneva, 2020. p.1.

sized enterprises constitute the majority of the industry and its workforce. However, the sector continues to face decent work deficits, including informality, variable and long working hours, low wages, limited access to social protection, gender-based discrimination, poor occupational safety and health practices and weak regulation, enforcement and organization of labour. In some cases the sector is also affected by the lack of an enabling environment for sustainable enterprise development, insufficient and inadequately skilled workforce and productivity challenges. Increasingly, tourism involves many forms of work, such as seasonal and part-time work, fixed-term contracts, working through private employment agencies, outsourcing and subcontracting. While these types of work can offer a stepping-stone to the labour market particularly for young, low-skilled and migrant workers, they may give rise to decent work deficits where they are not well regulated, are not used for the specific legal purpose they are intended for, or do not afford adequate labour and social protection.¹⁸ The sector is undergoing rapid changes driven by digitalization, demographic shifts, globalization and climate change.¹⁹ Additionally, employment and working conditions in the tourism sector are exceptionally vulnerable to pandemic shocks, or any sudden incidents that hinder tourist activities.²⁰

The ILO's Decent Work Agenda directly relates to the objective of poverty reduction through an integrated approach particularly relevant for the hotels, catering and tourism sector. ILO guidelines on decent work and socially responsible tourism were adopted by a tripartite meeting of experts held in February 2017, setting out common principles and a policy framework to guide action in order to achieve decent work and full and productive employment in the tourism sector. The guidelines are also intended to contribute to achieving the 2030 Agenda for Sustainable Development, in particular SDGs 8, 12 and 14, which include tourism-specific targets.²¹ A technical meeting on COVID-19 and sustainable recovery in the tourism sector adopted conclusions in 2022, which referred to Convention No. 172 and Recommendation No. 179 in its Appendix.²²

B International labour standards context

(1) Information relating to the ratification of Convention No. 172

Convention	Effective ratifications:	Further information
Convention No. 172	16 effective ratifications	• <u>Last ratification</u>: 2017 (<i>Belgium</i>) • <u>Ratification by region</u>: Europe and Central Asia: 8 ratifications;²³ Africa: 0 ratifications; Americas: 5

¹⁸ ILO: Technical meeting on COVID-19 and sustainable recovery in the tourism sector, [Conclusions](#), Geneva, 25-29 April 2022, pp 1-2.

¹⁹ ILO: Technical meeting on COVID-19 and sustainable recovery in the tourism sector, [Conclusions](#), Geneva, 25-29 April 2022, para. 2.

²⁰ ILO: [Global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient](#), Geneva, 2021, para. 11.

²¹ ILO: [ILO guidelines on decent work and socially responsible tourism](#), Geneva, 2017, pp V-VI.

²² ILO: Technical meeting on COVID-19 and sustainable recovery in the tourism sector, [Conclusions](#), Geneva, 25-29 April 2022.

²³ *Austria, Belgium, Germany, Luxembourg, Spain, Switzerland, Ireland and Cyprus.*

ratifications;²⁴ Asia and the Pacific: 1 ratification;²⁵ Arab States: 2 ratifications.²⁶

- Declaration of application to non-metropolitan territories: Netherlands - *Sint Maarten, Curaçao, Caribbean Part of the Netherlands*
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Convention No. 172 is in force in 16 Member States.

(2) Information concerning the implementation of Convention No. 172

The Committee of Experts supervises the implementation of Convention No. 172, which currently has 14 pending comments.

Within its supervision, the Committee examined progress made towards the broader application of the Convention.²⁷ It examined the adoption and implementation of national policies to improve the working conditions of workers in the sector, including consultations held in this regard²⁸ and the particular situation of migrant workers.²⁹ It considered hours of work in the sector,³⁰ including situations in which the legislation does not define the term “hours of work” or establish a maximum amount of authorised overtime hours.³¹ The Committee requested information on the manner in which observance of the limits on adjustments to working time in the sector is ensured, on the compensation, including the rate of remuneration for overtime, the number of additional hours performed on average, and how work-life balance is ensured for these workers.³² It requested information on the nature, content and extent of training and education programmes to improve the skills of those workers.³³ It examined the application of the Convention in practice,³⁴ including allegations regarding cases of the sale and purchase of employment as hotel housekeepers.³⁵ It requested information on sectoral and enterprise collective agreements, statistics on inspection activities, the number and type of violations detected, judicial decisions and data on the number of workers covered by the measures giving effect to the Convention.³⁶ The Committee considered the measures to address the COVID-19 pandemic, requesting Member States to provide updated information

²⁴ Mexico, Uruguay, Dominican Republic, Guyana, Barbados.

²⁵ Fiji.

²⁶ Iraq and Lebanon.

²⁷ Fiji, [direct request](#), adopted in 2019.

²⁸ Belgium, [direct request](#), adopted in 2023; Guyana, [direct request](#), adopted in 2022; Lebanon, [direct request](#), adopted in 2022; Mexico, [direct request](#), adopted in 2022; Iraq, [direct request](#), adopted in 2022; Curaçao, [direct request](#), adopted in 2021; Germany, [direct request](#), adopted in 2020; Ireland, [direct request](#), adopted in 2020; Cyprus, [direct request](#), adopted in 2018.

²⁹ Cyprus, [direct request](#), adopted in 2018.

³⁰ Spain, [observation](#), adopted in 2021.

³¹ Fiji, [direct request](#), adopted in 2019.

³² Belgium, [direct request](#), adopted in 2023; Sint Maarten, [direct request](#), adopted in 2023; Spain, [observation](#), adopted in 2021.

³³ Ireland, [direct request](#), adopted in 2020.

³⁴ Belgium, [direct request](#), adopted in 2023; Sint Maarten, [direct request](#), adopted in 2023; Ireland, [direct request](#), adopted in 2020; Caribbean Part of the Netherlands, [direct request](#), adopted in 2018.

³⁵ Spain, [observation](#), adopted in 2021.

³⁶ Mexico, [direct request](#), adopted in 2022; Caribbean Part of the Netherlands, [direct request](#), adopted in 2018; Spain, [observation](#), adopted in 2021.

on the impact of the pandemic on the sector, including measures taken to support and preserve jobs.³⁷

Key considerations

- Convention No. 172 and Recommendation No. 179 are the only international labour standards regulating specifically the working conditions of workers in hotels, restaurants, and similar establishments. Convention No. 30, which regulates hours of work in commerce and offices, excludes from its scope of application “hotels, restaurants, boarding-houses, clubs, cafés and other refreshment houses”; accordingly, Convention No. 172 and Recommendation No. 179 are the only instruments regulating the hours of work of this category of workers.
- Other ILO Conventions and Recommendations of general application cover workers in hotels, restaurants, and similar establishments without mentioning this sector explicitly. Specific instruments were adopted due to the unique nature of the hotel and restaurant sector, aiming to enhance and supplement existing Conventions and Recommendations to address the specific needs of workers in this expanding sector.
- The SRM TWG has provisionally confirmed that at its tenth meeting (2025) it will review the sets of instruments on working time, including Convention No. 30.³⁸
- Convention No. 172 is in force in 16 Member States and is fully supervised by the Committee of Experts.

Possible action to be considered in relation to Convention No. 172 and Recommendation No. 179

Convention No. 172 and Recommendation No. 179 are the only ILO instruments regulating the working conditions of hotel and restaurant workers. The instruments were adopted as the specificities of conditions of work in hotels, restaurants and similar establishments made it desirable to supplement international labour standards of general application with specific standards. There is nothing to suggest a change in regulatory approach since their adoption.

Following its review of Convention No. 172 and Recommendation No. 179, the SRM TWG will tailor lessons learnt through the SRM TWG process to the specificities of this review.

Based on the preceding information, and ensuring consistency with past SRM TWG recommendations, **the Office proposes consideration of:**

³⁷ Guyana, [direct request](#), adopted in 2022; Iraq, [direct request](#), adopted in 2022; Mexico, [direct request](#), adopted in 2022

³⁸ The SRM TWG provisionally confirmed that at its tenth meeting (2025) it would review the sets of instruments on working time: Hours of Work (Industry) Convention, 1919 (No. 1), Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), Forty-Hour Week Convention, 1935 (No. 47), Holidays with Pay Convention (Revised), 1970 (No. 132), Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153), Part-Time Work Convention, 1994 (No. 175), Holidays with Pay Recommendation, 1954 (No. 98), Hours of Work and Rest Periods (Road Transport) Recommendation, 1979 (No. 161), and Part-Time Work Recommendation, 1994 (No. 182). It will also examine the follow up taken to outdated Holidays with Pay Convention, 1936 (No. 52), Holidays with Pay Recommendation, 1936 (No. 47), Holidays with Pay (Agriculture) Convention, 1952 (No. 101), and Holidays with Pay (Agriculture) Recommendation, 1952 (No. 93).

- the classification of Convention No. 172 and Recommendation No. 179 as *up-to-date* instruments;
- the identification of *no regulatory gap in coverage* in relation to the international regulation of hotel and restaurant workers; and
- *practical and time-bound follow-up action* composed of the non-normative measures set out below.

In this regard, the Office has taken particular account of the fact that no other instruments specifically regulate the working conditions in hotels and restaurants, which remains a sector in which specific regulation is desirable, most notably as workers in this sector are excluded from coverage of some other working time instruments.

The SRM TWG will take decisions concerning the three elements within its mandate and make corresponding recommendations to the Governing Body concerning Convention No. 172 and Recommendation No. 179.

1. STATUS OF INSTRUMENTS UNDER REVIEW:

The SRM TWG will consider whether, within their current legal status as active instruments, Convention No. 172 and Recommendation No. 179 should be classified as *up-to-date* instruments, instruments *requiring further action to ensure their continued and future relevance*, or *outdated* instruments. In deciding their status, the SRM TWG will consider whether they are fit for purpose.

2. IDENTIFICATION OF GAPS IN COVERAGE:

In determining whether or not a regulatory gap in coverage exists in relation to hotel and restaurant workers, the SRM TWG should consider all relevant elements, including that the subject matter is regulated by two instruments currently considered to be up-to-date: Convention No. 172 and Recommendation No. 179.

3. FOLLOW-UP ACTION AS APPROPRIATE:

Considering past practices of the SRM TWG and the specificities of the instruments under review, the SRM TWG will consider what follow-up action should be taken:

- If the SRM TWG considers that Convention No. 172 and Recommendation No. 179 are up-to-date instruments**, it could recognize that their full implementation requires the *promotion of Convention No. 172's ratification, involving concerted and committed attention by governments and the social partners, supported by the Office*. The SRM TWG could recommend that the tripartite constituents should collaborate to take active steps towards ratification and effective implementation of Convention No. 172 and Recommendation No. 179.
- Alternatively, if the SRM TWG considers that Convention No. 172 and Recommendation No. 179 have the status of instruments requiring further action to ensure their continuing and future relevance**, it could then recommend that the Office take necessary further actions that could include:

- (a) Continuing to provide guidance and technical support, including capacity building, to Member States on its application.
- (b) Conducting research to identify the key challenges and opportunities in relation to the application of Convention No. 172, including with regard to the impact of globalization, digitalization and technological advances, the employment of migrant workers, demographic changes and climate change.