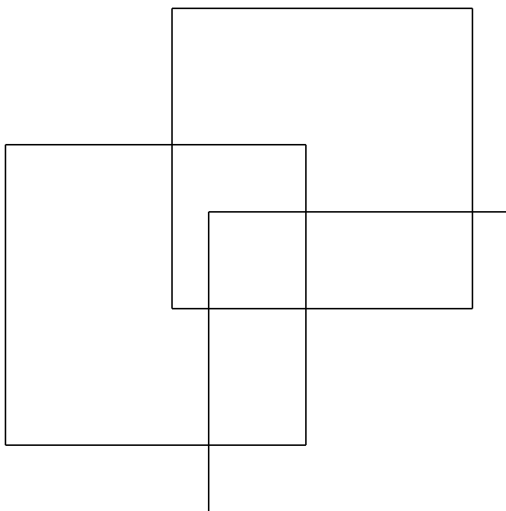




Final report

**Meeting of Experts to adopt Guidelines on Decent
Work and Socially Responsible Tourism**
(Geneva, 20–24 February 2017)



MEGDSRT/2017/9

INTERNATIONAL LABOUR ORGANIZATION

Sectoral Policies Department

Final report

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Work and Socially Responsible Tourism**
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Geneva, 2017

INTERNATIONAL LABOUR OFFICE, GENEVA

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Introduction

1. The Meeting of Experts to adopt Guidelines on Decent Work and Socially Responsible Tourism was held in Geneva from 20 to 24 February 2017.
2. The Meeting was attended by eight experts from Governments, eight experts nominated by the Employers' group and eight experts nominated by the Workers' group of the Governing Body, as well as by 29 Government observers. There were 11 observers from intergovernmental organizations and international non-governmental organizations.
3. The purpose of the Meeting of Experts was to review and adopt guidelines that will serve as a reference document for ILO constituents and other stakeholders working on the promotion of decent work in the hotels, catering, and tourism sector, in line with the Sustainable Development Goals (SDGs), based on a draft prepared by the Office.
4. The Officers of the Meeting were:

<i>Chairperson:</i>	Mr Luis Rodrigo Morales Veléz (Government, Mexico)
<i>Vice-Chairpersons:</i>	Mr Pablo Angelo Sanges Ghetti (Government, Brazil) Ms Graciela Fresno (Employer, Argentina) Mr Norberto Latorre (Worker, Argentina)
<i>Worker spokesperson:</i>	Ms Patricia Nyman (Worker, South Africa)
<i>Employer spokesperson:</i>	Ms Graciela Fresno (Employer, Argentina)
<i>Employer secretary:</i>	Mr Jean Dejardin International Organisation of Employers (IOE)
<i>Worker secretary:</i>	Mr Massimo Frattini The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)

5. The Chairperson observed that the aim to produce a practical and helpful set of guidelines for employers, workers, governments, and all others involved in the tourism sector, which had generated over 280 million jobs in 2015 and was a driver of inclusive economic growth and sustainable development. Promoting decent work in this sector, in accordance with the four pillars of the Decent Work Agenda, was key to ensuring sustainable development.
6. The Secretary-General of the Meeting, Ms Alette van Leur (Director, ILO Sectoral Policies Department), observed that tourism was an important driving force for socio-economic development that directly contributed to job creation, particularly for women and young people, while fuelling growth through micro-, small, medium and multinational enterprises. Over the last few decades it had experienced continued growth and diversification, becoming one of the largest, most dynamic and resilient sectors of the global economy, but it faced decent work challenges and risked having negative impacts on local culture, environment and heritage. The promotion of decent work in the tourism sector had been on the ILO's agenda for many decades: the Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172) and the Working Conditions (Hotels and Restaurants) Recommendation, 1991 (No. 179), were of particular relevance. The 2030 Agenda for Sustainable Development (hereinafter, 2030 Agenda) embodied decent work in many of its provisions: the potential of tourism to contribute to economic and social development was in addition highlighted by its inclusion in SDGs Nos 8 (target 8.9), 12.B, and 14 (target 14.7). Recognizing the significant growth of tourism over the past few decades, G20 leaders had

agreed to advance the contribution of tourism to the achievement of the 2030 Agenda and of the SDGs, and the year 2017 had been designated by the United Nations General Assembly as the International Year of Sustainable Tourism for Development. The Meeting was hence a unique opportunity to raise awareness of the contribution of tourism to development, while mobilizing all stakeholders to work together in making the sector a catalyst for decent work and positive change.

7. The aim was to adopt policy guidelines through tripartite consensus so as to provide practical information and guidance to those engaged in promoting sustainable tourism. ILO guidelines were not legally binding, nor were they subject to ratification or supervisory mechanisms. The guidelines could therefore be aspirational in scope and expand on principles laid down in international labour standards and other international agreements and policies, while remaining adaptable to different national circumstances. ILO standards and other texts adopted and endorsed by the International Labour Conference and the Governing Body offered further bases on which the guidelines could build. Sectoral guidelines were based on the full principles, rights and obligations established in international labour standards, and should not be regarded as lowering such standards. It was hoped that the Meeting of Experts would result in the adoption of valuable Guidelines on Decent Work and Socially Responsible Tourism.
8. The Executive Secretary explained that the guidelines were intended to serve as a reference tool for ILO constituents and other stakeholders involved in the design and implementation of measures aimed at fostering the sustainability of the tourism sector. The guidelines could be used to strengthen the capacity of ILO constituents to support the promotion of decent work in the tourism sector at the national level, and set out principles and a policy framework that could guide and coordinate action to achieve decent work in tourism. The guidelines highlighted some of the main features and challenges facing the sector, including recent employment and labour-related developments, and recognized the need for an integrated and coordinated approach at different levels, as well as for the involvement of a wide range of actors. They were not intended to be exhaustive or to provide comprehensive statistical analyses. The guidelines were based on principles derived from various documents and instruments, including the ILO Declaration on Fundamental Principles and Rights at Work (FPRW) and its Follow-up (1998); the ILO Declaration on Social Justice for a Fair Globalization (2008); various ILO Conventions and Recommendations, in particular Convention No. 172 and Recommendation No. 179; and the UNWTO Global Code of Ethics for Tourism.
9. The Worker Vice-Chairperson observed that the tourism sector was global in extent and was developing at a considerable pace. It was one of the main income-generating industries, and the involvement of workers and their organizations was crucial to ensure that the industry developed along the lines of the Decent Work Agenda to produce socially responsible and environmentally sustainable establishments. Statistics showed growth, but hid a chequered landscape of injustice, precarious employment, vulnerability, exploitation of labour, abuse, and sexual exploitation. Workers in the sector suffered major decent work deficits worldwide: the international financial and economic crisis of 2008 had been repeatedly invoked to excuse the deterioration of working conditions and attacks on social and labour rights in a wide range of sectors. Tourism was often a sector of refuge or the place of a first job for many workers, especially migrants, young people, women, the poorly educated and the low skilled. It was essential to provide solutions aimed at full employment, with adequate and decent wages as well as decent and socially responsible employment. Work without rights, without agreements, without trade unions, without health and safety conditions, with gender inequality, abuse in various forms, and the exploitation of young people and children, was common worldwide, in developing and developed countries alike.

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- 10.** The Worker experts firmly opposed such modern-day slavery in tourism, which resulted in part from outsourcing, the unregulated digital economy, the so-called collaborative economy, and other forms of management that sought to obviate or eliminate workers' rights and guarantees enshrined in law, and to remove the opportunity for trade unions to combat such practices. The guidelines should address such challenges in a comprehensive manner: decent work had to become the reference for the industry as a whole, beginning with governments, employers, and multinational enterprises. This should encompass decent wages, decent working conditions, effective protection of occupational safety and health (OSH), full employment, access to fundamental rights, effective gender equality, and a socially responsible business environment. The goal was global in scope, and the guidelines should promote coherent policies at an international level. The ILO should allocate adequate resources to the promotion of the guidelines, once adopted, to ensure they were widely disseminated and applied. In this connection he called on governments to ratify and apply Convention No. 172 for which the guidelines could not be a substitute.
 - 11.** The Employer Vice-Chairperson stressed the primary importance of tourism worldwide with regard to providing employment, while acknowledging a lack of research and of economic and social policies that could promote decent work in this sector. The development of guidelines should result in generic solutions to various decent work challenges in different countries. The conclusions adopted by the Global Dialogue Forum on New Developments and Challenges in the Hospitality and Tourism Sector and their Impact on Employment, Human Resources Development and Industrial Relations (2010), organized by the ILO, would be useful to integrate into the text in some form. The Employers' group supported the adoption of guidelines, which should not detract from existing standards and should be applicable to all workplaces. Some of the provisions in the draft had already been implemented in the legislation of some countries – in some cases more strictly than foreseen in the text. There was a need to address non-decent work in the informal and so-called collaborative economy, which risked reducing the quality of the services provided, to the detriment of the sector as a whole: standards should be respected by all enterprises with the help of governments promoting them. The Meeting should also take into account the new actors and practices emerging in the sector, such as new technology, which often promoted informal activities and generated non-decent forms of employment. Governments should ensure that all enterprises enjoyed formal status and that the rules of the game were the same for all sector participants.
 - 12.** The Government Vice-Chairperson stated that governments had a major interest in ensuring a coherent outcome from the Meeting. Tourism played a critical role in modern economies, and was of major relevance to the SDGs. The Meeting offered a key opportunity for renewed efforts to create jobs and to address both the informal sector's needs and to encourage movement to the formal sector.
 - 13.** The expert from the Government of Brazil observed that tourism had grown as a result of various factors, including reductions in transport costs and the growth of major international events such as the World Cup, the Olympics, and the Paralympics, all of which Brazil had hosted in recent years. However, the growth in the sector had not been matched by improvements in working conditions or wages, and failure to compensate overtime and long working hours was common. This applied in particular to housekeepers, who were mostly women and among the most exploited, alongside young people, those with poor education and low skills, migrants, and disabled persons. The low level of unionization in the sector was also responsible for this state of affairs. In 2016, the Government of Brazil had entered into a commitment with employers' and workers' organizations, involving the ILO, to improve incomes in the tourism and hospitality industries, resulting in a collective agreement. The Government had also encouraged employers to launch campaigns against child labour, forced labour, discrimination, and sexual exploitation. Tourism was a complex issue, and required an approach that addressed a wide range of concerns.

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- 14.** The representative of the United Nations World Tourism Organization (UNWTO) recalled how the UNWTO worked with the ILO to promote decent work in tourism and its growth worldwide. More accurate statistics were needed, especially on gender and youth employment, an issue that the G20 Group of Ministers of Tourism (T20) had also emphasized. The UNWTO also worked with the ILO in the latter's Global Youth Initiative for Decent Work, which was of relevance to sustainable employment in the sector. Tourism was the world's third largest industry, and accounted for 10 per cent of global GDP and one eleventh of all jobs worldwide. In 2016, the number of tourists reached over 1.2 billion, the most since the impact of the financial crisis. The guidelines should clearly identify the challenges and define responsibilities accurately. A specific mention was needed in section 3.5 of the draft guidelines to workers in community and home-based enterprises that catered to tourists' needs. Chapter 3 of the draft guidelines would benefit from a reference to the 10-year Framework of Programmes on Sustainable Consumption and Production, related to SDGs 8 and 12. The year 2017 would be special for all tourism stakeholders, as it had been declared the International Year of Sustainable Tourism for Development by the UN General Assembly. The celebration of the year would encompass several events, research, knowledge development and dissemination, advocacy, awareness-raising activities and capacity building based on five key areas: (1) inclusive and sustainable economic growth; (2) social inclusiveness, employment and poverty reduction; (3) resource efficiency, environmental protection and climate change; (4) cultural awareness and diversity; and (5) mutual understanding, peace and security. Tourists would be targeted by the message: "travel, enjoy, respect". The year would be a unique opportunity to discuss the importance of tourism, including its relevance to all the SDGs. The UNWTO was committed to working with the ILO to ensure socially responsible and ethical tourism, in particular to apply the guidelines, reflected in its recent opening of a liaison office in Geneva.
- 15.** The representative of the International Organization for Migration (IOM) stated that as one of the largest and fastest growing socio-economic sectors, tourism could stimulate economic growth, create decent jobs and business opportunities, and promote economic development, helping millions improve their livelihoods. The IOM recognized the decent work challenges faced by the sector and supported the Meeting's goal of creating guidance to safeguard the rights of workers in the sector within the framework of the SDGs. As stated in the draft guidelines, a large share of the workforce in the sector was composed of migrant workers. The IOM had engaged with governments and non-governmental partners in projects related to the sector, including the assessment of foreign labour demand in Antalya and Turkey's tourism sector, and investing in a vocational training system for tourism-related occupations in Egypt, particularly for youth. Both internal and international migrants required additional support and attention due to their vulnerable and transitory positions in host societies. Due to high informality, subcontracting and outsourcing in the sector, migrant workers often found themselves in vulnerable jobs where they were more likely to experience abuse and exploitation. Tourism could also create a demand for exploitative sexual services. Exploitation and abuse often began at recruitment stages in the form of fees levied for job placement and the retention of identity documents. The IOM recommended that the draft guidelines address the recruitment of workers to further support the implementation of the ILO's *General Principles and Operational Guidelines for Fair Recruitment*. In view of the SDGs and the fact that 2017 had been declared the International Year of Sustainable Tourism for Development, the IOM supported the draft guidelines and encouraged all parties to promote and adopt them.
- 16.** The representative of the International Hotel and Restaurant Association (IH&RA) stated that a discussion was needed between governments, workers and employers on the growing dangers posed by online marketplaces or what was termed the Internet economy, particularly in the rental of accommodation and car transport: governments lost revenue due to difficulties in policing such operations and the fact that many transactions were made in cash. The result was that hotels faced difficulties in filling rooms and consequently in repaying loans, and that workers were then laid off. Governments also faced security

challenges due to the non-declaration of guests in accommodation and the lack of effective identity checks, which made such operations open to exploitation by terrorists and organized crime. There was a need to regulate this area in order to ensure protection in the future.

Consideration of the draft guidelines ¹

Introduction

Paragraphs 1 and 2

17. The paragraphs were adopted without change.

Paragraph 3

18. The Worker spokesperson proposed adding, after “labour protection” in the second sentence, the following text: “... by creating an enabling environment for workers in exercising their fundamental rights at work”.
19. The expert from the Government of Brazil supported the amendment.
20. The Employer Vice-Chairperson opposed the amendment: the paragraph described realities, while the amendment set forth aspirations for the future.
21. The Worker spokesperson argued that the proposed amendment would underscore the need to improve working conditions and labour protection. It was crucial to foster a workplace environment that would support such improvements by ensuring that workers could exercise their fundamental rights, as enshrined in national legislation and relevant ILO Conventions.
22. The Government Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
23. The Meeting adopted the paragraph as amended.

Paragraph 4

24. The Worker spokesperson proposed an amendment to replace “productive employment” by “full and productive employment” in the first and second sentences of the paragraph.
25. The Employer Vice-Chairperson sought clarification of the meaning of “full and productive employment”.
26. The Worker spokesperson replied that the concept of “full and productive employment” was developed in section 3.1 of the draft guidelines and was also addressed by the Employment Policy Convention, 1964 (No. 122). The amendment would enhance consistency in efforts to promote the application of that concept and ensure standard ILO wording was used.
27. The Employer Vice-Chairperson accepted the amendment.

¹ In this report all references are to paragraphs as numbered in the original draft. Where the outcome of discussion on a point is not clear, the text of the guidelines reproduced in the appendix should be taken as the authentic adopted text.

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28. The Government Vice-Chairperson supported the original text, and asked the Office to clarify the meaning of the title of section 3.1.
 29. The Secretary-General explained that the language was taken from Convention No. 122 and conclusions adopted by the International Labour Conference and decisions by the Governing Body.
 30. The Government Vice-Chairperson accepted the amendment.
 31. Paragraph 4 was adopted as amended.

Paragraph 5

32. The Employer Vice-Chairperson indicated that the proposed definition of tourism included activities that went beyond the UNWTO definition, and proposed an amendment to add, following “the term ‘tourism’ is used”, the phrase “in line with the definition of the UNWTO and its annexes, in which the activities covered are listed in detail”, and to delete the rest of the paragraph.
33. The Worker spokesperson and the Government Vice-Chairperson requested information on the UNWTO definition.
34. The Executive Secretary cited the UNWTO definition: “Tourism comprises the activities of persons travelling to and staying in places outside their usual environment for not more than one consecutive year for leisure, business and other purposes.”
35. The Secretary-General indicated that the definition in the draft text had been adopted in 1980 by the Industrial Committee for the Hotels, Catering and Tourism Sector. It was the most recent Governing Body definition of tourism.
36. The Worker spokesperson in the light of this definition, supported the original wording, since it clarified the activities covered by the guidelines.
37. The Employer Vice-Chairperson reiterated that the UNWTO definition would cover activities within tourism, and proposed adding the list of activities offered by the UNWTO.
38. The expert from the Government of Chile proposed that the Office verify if the 1980 Governing Body document coincided with the UNWTO definition, and possibly to refer to both within the text.
39. The Government Vice-Chairperson expressed concern that the UNWTO definition referred to the end point of tourism, rather than the activities within it, while the guidelines were meant to cover the latter. Since the Office had prepared the draft based on the original definition, he asked for time to reflect. He reaffirmed the need to include a sectoral approach.
40. The Secretary-General suggested that the text might begin with the UNWTO definition, and later specify the various establishments.
41. The Employer secretary countered that the UNWTO definition also included a list of activities covered within the tourism sector.
42. The Executive Secretary listed the activities concerned: accommodation for visitors; food and beverage serving activities; railway passenger transport; road passenger transport; water passenger transport; air passenger transport; transport equipment rental; travel agencies and other reservation accommodation services; cultural activities; sports and recreational

activities; retail trade of country-specific tourism characteristic goods; and other country-specific tourism characteristic activities.

43. The Employer Vice-Chairperson maintained that some activities included in the definition used in the draft were outside the scope of tourism, such as hospital canteens. The UNWTO definition was more specific.
44. The Worker secretary preferred to retain the original, as it was consistent with other documents drafted by the ILO, such as the report of the Global Dialogue Forum on Developments and Challenges in the Tourism and Hospitality Sector of November 2010.
45. The Government Vice-Chairperson stated that governments did not have a common position.
46. The Employer secretary considered that providing “meals and refreshments within hospitals” as indicated in the original text was not appropriate for the guidelines.
47. The Secretary-General stated that the sentence was broad since the ILO considered tourism to include hotel catering, which in turn included hospitals.
48. The Employer secretary stated that catering should be in the context of tourism, not hospitals.
49. The Worker Vice-Chairperson stated that trade unions represent all workers, not only tourism workers. Therefore, workers in hospitals and schools should not be excluded.
50. The Employer Vice-Chairperson recognized that collective bargaining agreements in the catering sector – in Argentina, for example – covered all people within catering, including tourism, but the scope of the guidelines should be limited to the tourism sector.
51. The Secretary-General explained that the Office had consulted with the UNWTO. The definition of tourism in the draft guidelines was coherent with the UNWTO definition, as well as definitions used by the Governing Body at its 214th Session in 1980, the Tripartite Meeting on Human Resources Development, Employment and Globalization in the Hotel and Tourism Sector in 2001, and the Global Dialogue Forum on Developments and Challenges in the Hospitality and Tourism Sector of November 2010. The same elements were used in the International Standard Industrial Classification of All Economic Activities (ISIC).
52. The Meeting adopted the paragraph without change.

Paragraph 6

53. The Worker spokesperson proposed adding the phrase “by promoting the rights to self-organization through unions and industry representation that will ensure that workers’ rights and welfare are recognized and respected” following “social dialogue” in the eighth line of paragraph 6.
54. The Employer Vice-Chairperson expressed reservations regarding the purpose of this amendment. Her group agreed with the text as proposed and this amendment would mean reconsidering the paragraph as a whole.
55. The Government Vice-Chairperson proposed to add the words “promoting sustainable tourism enterprises” after “tourism sector”. His group would require consultations on the Workers’ group amendment to reach a common position.
56. The Employer Vice-Chairperson supported the Government group’s proposal. Her group would also need consultations with regard to the amendment.

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57. The Employer secretary requested clarification on the meaning of the phrase “right to self-organize”.
 58. The Worker expert from the Philippines explained that this expression reflected labour protection and social dialogue principles. Effective social dialogue promoted the right to self-organization and representation. Self-representation could be seen as improving worker representation and union density. Self-organization had already been put into practice in several countries, where self-organized unions were recognized and protected through various accreditation and representation processes.
 59. The Employer secretary proposed to insert a reference to the ILO Declaration on Fundamental Principles and Rights at Work (1998) in lieu of the amendment.
 60. The Chairperson suggested moving the text proposed by the Workers’ group to section 3.6, which discussed the concepts contained therein.
 61. The Worker spokesperson withdrew her proposed additions.
 62. The paragraph was adopted as amended by the Government Vice-Chairperson.

1. Scope of the guidelines

1.1. Objectives of the guidelines

Paragraph 7

63. The Worker spokesperson proposed a global amendment to replace “productive employment” by “full and productive employment” throughout the guidelines.
64. The Government Vice-Chairperson agreed with the amendment.
65. Paragraph 7 was adopted as amended. The global amendment was also adopted.

Paragraph 8

66. The Employer Vice-Chairperson suggested adding to the list: “the points of consensus adopted at the Global Dialogue Forum on New Developments and Challenges in the Hospitality and Tourism Sector and their Impact on Employment, Human Resources Development and Industrial Relations (23-24 November 2010)”.
67. The Employer secretary agreed to include the reference to Convention No. 172 and Recommendation No. 179 but expressed that other sections of the guidelines explicitly promoted the use and ratification of the Convention, which was not supported by the Employers in the ILO and was poorly ratified.
68. The Government Vice-Chairperson proposed to add a reference to the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the *United Nations Guiding Principles on Business and Human Rights*. The introductory phrase should use less prescriptive text to indicate that the list was not exhaustive.
69. The Secretary-General agreed that both documents addressed fundamental principles and rights, including protection of local cultures. She proposed adding the words “inter alia” at the end of the introductory phrase.

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70. The Worker spokesperson agreed with all the proposed amendments.
71. The expert from the Government of Chile observed that consistency should be ensured between the guidelines and the revised Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) once adopted by the Governing Body later in the year.
72. The paragraph was adopted as amended.

1.2. Intended users

Paragraph 9

Introductory phrase

73. The Government Vice-Chairperson expressed concern at the use of the wording “and related sectors” in the introductory phrase, and proposed its deletion. The Employer Vice-Chairperson supported the amendment. The introductory phrase was adopted as amended.

Subparagraphs 9(a) and (b)

74. The subparagraphs were adopted without change.

Subparagraphs 9(c) and (d)

75. The Government Vice-Chairperson proposed two new subparagraphs: first, to recognize that non-rural cooperatives could also play an important role in the economy, he proposed to replace subparagraph (c) by “cooperatives and other social solidarity economy organizations in the tourism sector”; and to add a new subparagraph after (d) to read: “organizations of rural, local and ethnic communities, and indigenous and tribal peoples engaged in the tourism sector”.
76. The Employer Vice-Chairperson sought clarification on the words “solidarity economy”. She agreed with the second proposed amendment.
77. The Worker spokesperson also requested clarification of the term “solidarity economy”.
78. The expert from the Government of Colombia explained that “social solidarity” referred to activities which united people socially and provided returns to all those involved. It was important to include the reference, since it also concerned activities in the tourism sector. The idea was to promote self-generated employment, especially in rural areas.
79. The Government expert from Spain considered that the guidelines included only the social economy, and not the solidarity economy, since the former was a player in the market and generated activities and services, whereas the latter was not necessarily related to the market economy.
80. The Worker spokesperson suggested removing “solidarity” from the amendment and referring only to the “social economy”. Caution was needed, since the guidelines applied to all countries.
81. The expert from the Government of Chile underlined that cooperatives should be in a separate item as they had a different legal status.

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82. The Government Vice-Chairperson proposed to amend subparagraph (d) to read: “cooperatives and other social and solidarity economy organizations in the tourism sector”.
 83. The Worker spokesperson suggested, as a compromise, that subparagraph (c) be retained without change, and that the original text of subparagraph (d) be amended by adding “, and” after the word “rural”; the words “and ethnic” after the word “communities”; and the phrase “and indigenous and tribal peoples” after the word “engaged”. Subparagraph (d) would then read: “cooperatives and organizations of rural, local and ethnic communities and indigenous and tribal peoples engaged in the tourism sector”.
 84. The expert from the Government of Colombia supported the amendment.
 85. Subparagraph (c) was adopted without change; subparagraph (d) was adopted as amended.

Subparagraphs 9(e) and (f)

86. Subparagraphs (e) and (f) were adopted without change.

New subparagraph

87. The Worker spokesperson suggested adding a new subparagraph at the end to include the words “industry tripartite councils”.
88. The Employer Vice-Chairperson opposed the reference to tripartite councils, since they did not exist in all countries.
89. The expert from the Government of Zimbabwe also opposed the proposal. She considered the language inappropriate for Zimbabwe, which had bipartite rather than tripartite councils in the sector.
90. The amendment was withdrawn.

1.3. Definition

Paragraph 10

91. The Worker spokesperson proposed adding the word “decent” before “income” in the third sentence; and the words “gender equality” after “decent work” in the last sentence.
92. The Employer Vice-Chairperson agreed to add “gender equality”. However, the notion of a decent income was inappropriate, since wages were agreed between workers and employers.
93. The Government Vice-Chairperson agreed with the original text, but asked the Office whether ethical tourism was included in sustainable tourism.
94. The Secretary-General explained that according to multiple definitions, generally ethical tourism benefited people in a variety of ways to offer better incomes to families living in the area by sourcing products and services locally. The Office had proposed this text in line with the final document of the Rio+20 Conference, entitled “The Future We Want”, and with common language used by the ILO. It covered the topics needed to define sustainable tourism.
95. The Worker expert from the Philippines explained that the context of the proposal was based on an understanding that one outcome of a decent job was decent income. The notion avoided the race to the bottom.

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96. The Worker spokesperson emphasized that no matter how the income was fixed, whether by collective agreement or national minimum wage law, it had to be fair.
 97. The Employer Vice-Chairperson proposed a subamendment to replace “decent income” by the phrase “reasonable income”.
 98. The Chairperson asked whether the Spanish translation appeared to refer to decent income as well as work, since “decentes” as an adjective was placed after the phrase “ingresos y empleos” and therefore qualified both.
 99. The Secretary-General observed that the use of the words “decent income” without clarification was a cause of confusion. The term “decent income” could be deleted and the words “decent work” retained.
 100. The Chairperson suggested to remove “decent income” and keep only the words “decent jobs” as a solution. This proposal was adopted.
 101. The paragraph was adopted as amended.

2. Employment trends and developments in tourism

Paragraph 11

102. The Employer Vice-Chairperson suggested using figures from the UNWTO instead of those from World Travel and Tourism Council (WTTC), a private organization.
103. The Worker spokesperson agreed.
104. The Secretary-General explained that the UNWTO referred to the WTTC data. The fact sheet prepared for the Meeting to illustrate trends and developments in the tourism sector was largely based on the same source.
105. The Employer Vice-Chairperson requested to compare the figures and to include the UNWTO as a reference.
106. The Chairperson stated that the Office had confirmed that the figures would be those given by the UNWTO, and that they would be updated as appropriate. It was agreed that the sources of the data would refer to the UNWTO. The paragraph was accordingly adopted without change.

Paragraph 12

107. The paragraph was adopted without change.

Paragraph 13

108. The Employer Vice-Chairperson proposed that the text related to the female workforce and the age of workers in the tourism sector be revised: workers above the age of 65 were retiring, but there was an increasing worldwide trend to retire later in life. The industry tended to focus on consumers, but it was important to include a passage on ageing workers alongside that on the protection of young workers. With respect to migrant workers, the guidelines should consider their added value to economic activity in countries of destination.

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- 109.** The Worker spokesperson agreed with the Employers' proposal.
 - 110.** The expert from the Government of Zambia objected that, while the sentence "Migrant workers also make up a large share of workers in the sector" might be true for European countries, it was not necessarily true of Zambia or elsewhere in Africa. While the number of migrant workers was high, it did not comprise the majority of their tourism workforce. The sentence should be revised accordingly.
 - 111.** The expert from the Government of Sri Lanka stated that women did not represent the majority of the workforce in Sri Lanka, but were rather under-represented. Therefore, he proposed to add "In most countries", so the sentence would read: "In most countries, women represent between 60 and 70 per cent of the tourism workforce".
 - 112.** The expert from the Government of Chile agreed with the proposal made by the Employer Vice-Chairperson.
 - 113.** The expert from the Government of Zimbabwe noted that the assertion that more women were employed in tourism than in most other sectors would not apply to Zimbabwe. It was based on a general perception built on statistics: more women were employed in lower positions, which were more visible. However, higher positions were occupied by men.
 - 114.** The Secretary-General clarified that the proposed text reflected global averages, which would benefit from more data. The issue raised by the expert from the Government of Zimbabwe was covered in Chapter 3 of the draft guidelines.
 - 115.** The Executive Secretary read out a new text for the paragraph taking account of the discussion: the first sentence would end at "labour intensive"; the second sentence would then begin with the phrase: "In many countries ..."; a new third sentence would read: "However, the sector also increasingly provides employment opportunities for older workers"; the following sentence would begin at "Globally"; and the paragraph would end with a new sentence: "They bring new skills and knowledge to destination countries that could make companies more competitive, helping the country to grow while ...".
 - 116.** The Employer Vice-Chairperson supported the amendment.
 - 117.** The Worker spokesperson proposed that the sentence on older workers be replaced with the following text: "Older workers are an emerging work group in the sector". The Workers held reservations about the idea that migrants could make companies more competitive, which implied that migrant workers were more productive than the nationals of destination countries. This might exacerbate divisions between the two groups.
 - 118.** The Employer secretary clarified that the Employers did not intend such an implication. However, migration flows could provide companies in destination countries with a wider range of skills and capacities, and the word "could" implied that it was only possible, not inevitable.
 - 119.** The expert from the Government of Chile considered that the proposed language regarding women and older workers was acceptable.
 - 120.** The Employer Vice-Chairperson said that the Employers' group could show flexibility regarding the amended language on migrant workers.
 - 121.** The Worker spokesperson observed that the paragraph had to be factual, and not an expression of opinion. It was however inappropriate to single out migrant workers in the last two sentences, since other workers also merited inclusion. She hence agreed that, in the first

line, the first sentence should end at the words “labour intensive”, and the following phrase be changed to a sentence, to read: “In many countries, it also employs more women, young people, and migrant workers than other sectors.” With this reference to migrant workers alongside other workers concerned, the last two sentences of the paragraph should then be deleted.

122. The Chairperson recalled that the data in paragraph 13 came from a previous ILO study.
123. The Employer Vice-Chairperson preferred the text as originally drafted. The first two lines had been taken from a document that had already been adopted. Adding to the document would mean departing from agreed text.
124. The Government Vice-Chairperson stated that the Government experts did not oppose the original text. A reference to migrant workers did not seem applicable in the first sentence, since the study had not referred to them. The last two sentences should hence be retained.
125. The Worker spokesperson and the Employer Vice-Chairperson adopted this proposal. The Employer secretary reiterated the view of all Employers working with the ILO that migrant workers were a source of added value to enterprises.
126. Paragraph 13 was adopted as amended.

Paragraph 14

127. The paragraph was adopted without change.

Paragraph 15

128. The Employer Vice-Chairperson proposed an amendment to replace the second and third sentences by the following: “In the absence of legislation, the impact of new technologies and social networks, the role of search engines and the emergence of private tourism services through digital platforms (for transport, accommodation, restaurants, etc.) has boosted informality, detracting from the values of decent work and the Global Code of Ethics for Tourism.” This would reflect the situation of new technologies more accurately.
129. The Worker spokesperson supporting the original text, proposed adding, before the final sentence in the paragraph: “The digitalization of tourism also presents real concerns from the perspective of the broad public interest. The jobs that are created are typically in the informal sector with poor protection and eroded rights, little security of employment and lower pay than comparable jobs in the established industry. The disguised employment relationships and dispersed workforce also mean that it is very difficult to organize in the digital economy. There are also reasons to be concerned that these entities avoid appropriate taxation, raising issues of unfair competition with the formal tourism sector and placing undue burdens on governments. Specific aspects of the digital tourist economy, namely short-term rentals, have had a demonstrable negative impact on the availability of affordable housing and public security and have transformed entire communities without giving them any opportunity to engage through democratic decision-making processes like local zoning bodies or neighbourhood hearings. New legal frameworks and rigorous enforcement will be necessary.”
130. The Government Vice-Chairperson explained that the Government group accepted the original text. In response to the proposal by the Workers, the overwhelming view of the Government group was that the importance of the digital economy and digital tourism must be acknowledged. However, digital tourism platforms should be regulated to ensure that the rights of workers were well-established and protected. In reference to the last sentence proposed by the Workers’ group, the following subamendment was proposed: “New

modalities and platforms may require new legal frameworks.” The addition could be included in paragraph 16, or in paragraph 21 or 24.

131. The amendment proposed by the Worker spokesperson was withdrawn. The Worker Vice-Chairperson expressed his reservations regarding the reference to the Global Code of Ethics for Tourism.
132. The Employer Vice-Chairperson agreed to withdraw the reference to the Global Code of Ethics for Tourism. The proposed amendment would end at “detracting from the values of decent work.” However, she explained the great importance of this code of global scope and stressed her disagreement with its withdrawal.
133. The Worker Vice-Chairperson agreed with the proposed amendment on that basis.
134. The Government Vice-Chairperson said that the subamendment proposed by the Government group could address the concerns of both the Workers’ and Employers’ groups.
135. The Worker spokesperson accepted the subamendment proposed by the Government group. The subamendment was adopted.
136. The paragraph was adopted as amended. It was agreed to bring the Spanish version closer into line with the English.

Paragraph 16

137. The Worker spokesperson explained that paragraph 16 dealt with employment trends. Since non-traditional and small-scale tourism was still emerging, it was not appropriate at this stage to refer to it as “sustainable” in the third sentence. Referring to specific companies by name was not appropriate, and the reference to “Airbnb” should be deleted.
138. The Government Vice-Chairperson and the Employer Vice-Chairperson agreed that companies should not be named.
139. It was agreed to delete the reference to Airbnb.
140. The Employer Vice-Chairperson proposed that the sentences after “protecting the environment and biodiversity” should be replaced by the following: “Changes in consumer habits, demand for experiences from travellers, adaptation to this on the part of transport systems and methods along with the impact of new technologies and social networks has strengthened communications and the marketing of private tourism services through digital platforms. This situation should be managed and regulated to avoid an undesirable impact on efforts to achieve decent work.”
141. The Government Vice-Chairperson thought that the references to new areas of tourism that departed from mainstream, traditional tourism were relevant: the two sentences of the original draft should hence be retained.
142. The Employer Vice-Chairperson withdrew the amendment.
143. The Worker spokesperson supported retention of the original third and fourth sentences of the original draft, with the deletion of the word “sustainable” after “small-scale”.
144. The Employer Vice-Chairperson expressed reservations regarding this proposal by the Workers’ group. She favoured retaining the original text, but without the word “sustainable”.

145. The Employer secretary proposed that the original text with the word “sustainable” could be retained if the last sentence of the Employers’ original amendment be added at the end of the paragraph: “This situation should be managed and regulated to avoid an undesirable impact on efforts to achieve decent work and sustainable tourism.” It was so agreed.

146. Paragraph 16 was adopted as amended.

Paragraph 17

147. The Worker spokesperson proposed an amendment to add, after “arrangements” in the second line, “and the exploitation of on-the-job trainees and practicum students performing work outside the approved training arrangements” [... is an important challenge ...].

148. The Chairperson observed that this amendment would conflict with the text adopted at the ILO Global Dialogue Forum on Developments and Challenges in the Hospitality and Tourism Sector of 2010.

149. The Employer Vice-Chairperson opposed the amendment.

150. The Secretary-General explained that the draft was based on text adopted by the Governing Body and taken from the ILO Tripartite Meeting of Experts on Non-Standard Forms of Employment of 2015. Section 3.2.3 approached non-standard forms of employment (NSFE) in the same manner. For this reason the amendment might be better accommodated there.

151. The Worker spokesperson accepted that their amendment was perhaps too strong, and therefore proposed to subamend it by replacing “exploitation” by “assignment” before “on-the-job-trainees”. The original text on NSFE was supported.

152. The Employer Vice-Chairperson preferred the original text.

153. The Government Vice-Chairperson echoed this preference and requested flexibility from the Workers.

154. The Worker spokesperson agreed to withdraw the amendment and to retain the original text. The Worker expert from the Philippines observed that the issues around NSFE were discussed in paragraph 40.

155. The paragraph was adopted without change.

Paragraph 18

156. The Worker spokesperson proposed that the second sentence of the paragraph be amended to read: “... holding the most vulnerable jobs that are, most of the time, victims of violence and sexual harassment at the workplace and they have an increased risk for occupational injuries”. The sentence that followed should be amended to read: “They are under-represented in skilled kitchen work ...”. It was important to avoid giving the impression that certain jobs were primarily women’s jobs.

157. The Worker secretary said that, to avoid giving the impression that certain low-skilled or unskilled jobs were “women’s jobs”, the second sentence should be amended to read: “... and customer contact areas, with women often holding low-skilled and unskilled jobs.”

158. The Chairperson noted that the concerns raised by the Workers’ group were already addressed in paragraphs 57, 70, 75 and 76 of the draft guidelines.

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- 159.** The Employer Vice-Chairperson said that the Employers’ group supported the paragraph as originally drafted and could not agree to any of the amendments proposed by the Workers.
- 160.** The Government Vice-Chairperson supported the adoption of the amended sentence that read: “They are under-represented in skilled kitchen work ...”. Several Governments believed that the final sentence in the paragraph portrayed part-time employment in an unduly negative light: for certain workers the opportunity to engage in part-time rather than full-time employment was appreciated. The words “part-time employment” in the final sentence should be replaced by either “overtime work” or “underemployment”, since part-time employment was problematic only when it was not voluntary. Some of the issues raised by the Workers’ group were addressed in other paragraphs. Although women in the most vulnerable jobs could fall victim to violence and sexual harassment in the workplace, the Governments believed it was incorrect to suggest that violence and harassment occurred “most of the time”. The group could not, therefore, agree to the sentence in the amendment that read: “... the most vulnerable jobs that are most of the time victims of violence and sexual harassment at the workplace ...”.
- 161.** The Worker spokesperson emphasized that Chapter 2 addressed employment trends and developments in tourism; one ongoing trend was that women continued to hold low-skilled positions and continued to face violence and sexual harassment.
- 162.** The Chairperson asked the Employers’ group if they could agree to the amendment proposed by the Government group on overtime work and underemployment, and to the proposed amendment on skilled kitchen work.
- 163.** The Employer Vice-Chairperson said that the Employers’ group could not agree to the amendments.
- 164.** In view of time constraints, the Worker spokesperson withdrew the amendment, with the exception of the addition of “skilled” to qualify “kitchen work” in the fifth line. This proposal was adopted.
- 165.** The paragraph was adopted as amended.

Paragraph 19

- 166.** The Worker spokesperson proposed an amendment to make the second sentence refer to larger hotel “and restaurant” chains; and to amend the last sentence to read: “... including franchise, management or leasing, hotel and restaurant chains often do not maintain a consistent approach to human resources practice ...”.
- 167.** The Employer Vice-Chairperson said that the Employers’ group could not agree to such changes. It would not be possible to adopt a coherent document unless all proposed amendments to the text were based on firm evidence. She asked the Workers’ group to explain the basis for the amendment.
- 168.** The Worker spokesperson did not believe the references to large restaurant chains were problematic and there was broad consensus that challenges existed in both the hotel and restaurant sectors. Through their work with trade unions, members of the Workers’ group had directly encountered such challenges, which also concerned collective bargaining. It was critical to address those challenges, which affected several chains and groups of hotels.
- 169.** The Government Vice-Chairperson considered that a compromise was possible: the suggested reference to restaurants was acceptable to the extent that the scope had already been defined to include the catering sector. On the other hand, the original text had been

neutral on “a consistent approach to human resources practice”. The original wording here could be maintained. This proposal was adopted.

- 170.** The amendment to add “and restaurants” was adopted, and the paragraph was adopted as amended.

Paragraphs 20 and 21

- 171.** The paragraphs were adopted without change.

3. Designing and implementing sustainable tourism policies that create full and productive employment and decent work for all

Paragraph 22

- 172.** The Worker spokesperson proposed an amendment to add “and redistribution” after “generation” in the second line. The sector generated profits, and the social role of enterprises was in part to redistribute that profit in the form of wages.
- 173.** The Employer Vice-Chairperson considered the issue extraneous to the matter at hand: redistribution was addressed in a variety of ways, including taxation and other social policies. It was of relevance to all sources of employment, and not only tourism.
- 174.** The Worker spokesperson withdrew the amendment.
- 175.** The paragraph was adopted without change.

Paragraphs 23, 24, 25

- 176.** The paragraphs were adopted without change.

Paragraph 26

- 177.** The Worker spokesperson agreed with the general thrust of the paragraph, but women should be given a stronger voice in policy development: after “mechanisms”, the words “and structures (with the full participation of women)” should be added. In response to a request for clarification, such a structure might be a forum within a tripartite structure that would allow women to come together and highlight issues important to them. She also proposed to add, after “industry”, the words “and in particular the prevention of gender-based violence.” She noted that the ILO had produced work on gender-based violence and that the topic would be discussed at the International Labour Conference in 2018.
- 178.** The Chairperson noted that paragraph 58 also touched on issues related to gender-based violence.
- 179.** The Government Vice-Chairperson acknowledged the concern raised by the Workers’ group. However, the term “mechanisms” already offered a place for women’s voice. He therefore proposed a subamendment to replace the words “and structures” by the phrase “with full participation of women” after “mechanisms” to address the concerns of the Workers.

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180. The Employer secretary recalled that the item on the agenda of the 2018 International Labour Conference was “violence and harassment against women and men in the world of work”, which dealt with violence in general and not gender-based violence specifically.
 181. The Worker spokesperson agreed to the subamendment and withdrew the amendment.
 182. Paragraph 26 was adopted as amended.

Paragraph 27

Subparagraph 27(a)

183. The Worker spokesperson proposed that the subparagraph be amended to insert, after “sector”, the words “that is, the right to organize”; and after “women”, the words “LGBTI workers”.
184. The Employer Vice-Chairperson had no objection to including the reference to LGBTI workers. However, the other proposal implied erroneously that the only impediment to addressing decent work deficits was the lack of the right to organize.
185. The Government Vice-Chairperson supported the text as originally drafted. Speaking in his national capacity, he agreed that the right to organize was of fundamental importance, but the inability to exercise that right was not the only factor giving rise to decent work deficits.
186. The expert from the Government of Indonesia proposed that the paragraph should refer not to specific vulnerable groups, but more broadly to “persons who, for reasons such as sex, age, disability, family responsibilities or social or cultural status are vulnerable to discrimination”, as expressed in Article 5 of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).
187. The expert from the Government of Chile fully supported the comments made by the expert from the Government of Brazil on the right to organize. It would, however, be more appropriate to refer to that matter in section 3.4.3, which dealt with freedom of association and collective bargaining. It could be confusing to refer only to the right to organize as a factor giving rise to decent work deficits. On the issue of LGBTI workers, he supported the proposal by the Workers’ group.
188. The expert from the Government of Sri Lanka supported the proposal by the expert from the Government of Chile.
189. The expert from the Government of Zambia said that a specific reference to LGBTI workers could be legally problematic for certain States. He supported the amendment proposed by the expert from the Government of Indonesia.
190. The Chairperson agreed that the right to organize should be addressed elsewhere in the draft guidelines.
191. The Worker spokesperson proposed to withdraw the reference to the right to organize.
192. The Employer Vice-Chairperson reiterated her reservations regarding the inclusion in the paragraph of a reference to the right to organize. Her group had no problem with including the reference to LGBTI workers, or using the formulation proposed by the expert from the Government of Indonesia.
193. The expert from the Government of Chile said that while a specific reference to LGBTI workers as such could be legally problematic for certain States, the adoption of the language

contained in Article 5 of Convention No. 111 was problematic for his country, which was committed to combating all discrimination on the basis of sexual orientation. He suggested that, with a view to achieving consensus, the subparagraph should refer to vulnerable groups more broadly and should not include any language that could be problematic for States.

- 194.** The expert from the Government of Brazil supported the proposal by the expert from the Government of Chile.
- 195.** The Chairperson suggested that the Meeting adopt the standard text used to refer to such groups in the ILO, as in paragraph 55.
- 196.** It was so agreed.

Subparagraph 27(b)

- 197.** The Employer secretary reiterated the opposition of the Employers' group to the reference to Convention No. 172 and Recommendation No. 179 in the body of the text and proposed that it be deleted.
- 198.** The Worker spokesperson preferred to retain the reference to the instruments: the subparagraph merely stated that it was important to promote their application. Conventions should be included in the body of the text, as had been the case in other recent tripartite ILO meetings.
- 199.** The Employer secretary clarified that their amendment meant that the appendix would not change. The main principles of the Convention were already contained in the draft text.
- 200.** The Government Vice-Chairperson agreed, stating that the instruments were relevant, but not widely ratified. He proposed to refer to them in the appendix.
- 201.** The Secretary-General noted that the instruments in question were considered up to date in the context of the Standards Review Mechanism, even though the Convention had few ratifications.
- 202.** The Worker spokesperson accepted the deletion in view of the previous discussion.
- 203.** The Worker Vice-Chairperson further proposed to insert, after "rights at work" the words "occupational health and safety and a living wage".
- 204.** The Employer Vice-Chairperson recalled that this proposal had already been discussed elsewhere and rejected.²
- 205.** The Secretary-General, in reference to the amendment proposed by the Workers, explained that the 1998 Declaration on Fundamental Principles and Rights at Work covered four distinct areas, but did not include OSH or a living wage.
- 206.** The Employer secretary pointed out that the ILO had developed the concept of a minimum wage. However, "living wage" was not an agreed term within the ILO. The reference to OSH was acceptable.

² See discussion of other paragraphs below. This record is not fully chronological.

207. The Worker spokesperson insisted that a living wage was still an important concept, but agreed to withdraw the reference. The phrase “occupational safety and health” should be retained. It was so agreed.

208. The amendment proposed by the Employers, and that proposed by the Workers as revised, were adopted, and the subparagraph was adopted as amended.

Subparagraphs 27(c) and (d)

209. The subparagraphs were adopted without change.

Subparagraph 27(e)

210. The Worker spokesperson proposed to replace the word “sex” with “gender”, and to insert “job status” before the words “and urban”.

211. The Secretary-General explained that ILO statistics referred to “sex, occupation, and employment status” as indicators, such that the phrase should read “disaggregated by age, sex, occupation and employment status, and urban-rural divide, including for planning future skill needs”. This wording was adopted.

212. The subparagraph was adopted as proposed by the Secretary-General.

Subparagraph 27(f)

213. The Employer Vice-Chairperson proposed adding the words “full and” before the word “productive”, and globally throughout the draft guidelines.

214. The subparagraph was adopted as amended with the global amendment to refer to “full and productive employment”.

New subparagraph

215. The Employer secretary proposed to add a new subparagraph at the end, to read as follows: “In accordance with the conclusions agreed at the Global Dialogue Forum on Developments and Challenges in the Hospitality and Tourism Sector organized by the ILO in 2010, there is a need for governments to ensure that the legal framework and their enforcement mechanisms promote adherence to decent work standards throughout the sector and that all formats of accommodation are treated equitably as regards compliance with applicable labour, safety, commercial and taxation law and regulations.”

216. The Government Vice-Chairperson proposed removing the references to commercial and taxation laws and regulations, as these were not within the mandate of the ILO.

217. The Employer Vice-Chairperson explained that the text was a verbatim reproduction of the points of consensus of the Global Dialogue Forum in 2010.

218. The Meeting adopted the new subparagraph (g), as proposed by the Employer secretary.

3.1. Promoting full and productive employment in the tourism sector

Paragraph 28

- 219.** The Worker spokesperson proposed adding the following sentence at the end of the paragraph: “Thus, promoting full and productive employment in the tourism sector should be pursued.” This was important as the paragraph addressed vulnerable groups of workers and their behaviour in the labour market.
- 220.** The Employer Vice-Chairperson and the Government Vice-Chairperson supported the amendment.
- 221.** The paragraph was adopted as amended.

Paragraph 29

- 222.** The Secretary-General explained that the paragraph was a general statement on the importance of employment promotion interventions. The paragraph was adopted without change.

3.2. Promoting sustainable tourism enterprises

Paragraph 30

- 223.** The Employer Vice-Chairperson proposed deleting the words “in the tourism sector” at the end of the first sentence, as this appeared redundant in view of the section’s title.
- 224.** The Worker spokesperson and the expert from the Government of Chile supported the amendment.
- 225.** The expert from the Government of Zambia requested clarification on how business regulations impacted micro, small and medium enterprises (MSMEs). It was unclear whether the impact was due to excessive regulations or the costs they imposed on businesses.
- 226.** The Secretary-General observed that the wording was taken from the 2015 International Labour Conference report *Small and medium-sized enterprises and decent and productive employment creation* on the agenda item. It also occurred in paragraph 32(c) of the draft.
- 227.** The Employer Vice-Chairperson preferred the original text.
- 228.** The Worker spokesperson agreed that the term did not need further clarification.
- 229.** The expert from the Government of Zambia supported retaining the original text.
- 230.** The paragraph was adopted without change.

Paragraph 31

- 231.** The Worker spokesperson proposed adding “and restaurant” in the third sentence after “Initiatives from international hotel” in order to be consistent with the text used in paragraph 19 and elsewhere; and adding the following new sentence at the end of the paragraph: “Environmentally friendly policies and other social responsibility initiatives should be developed in collaboration with trade unions and, where possible, integrated into trade union programmes designed to promote tourism operations that respect worker and

trade union rights”, since the involvement of trade unions with social responsibility initiatives could attract more customers and lead to successful businesses in the tourism sector.

232. The expert from the Government of Chile supported the proposed reference to other social responsibility initiatives, as the involvement of trade unions would create added value. He also supported the proposed addition of a reference to restaurants.

233. The amendment to add “and restaurant” was adopted.

234. The Employer Vice-Chairperson stated that the Employers held reservations about the second amendment.

235. The Worker spokesperson withdrew the second amendment in view of the lack of time.

Paragraph 32

236. The Employer Vice-Chairperson proposed that the introductory phrase refer to “public” and not “national” tourism policies in the introductory phrase. This proposal was adopted.

Subparagraph 32(a)

237. The Employer Vice-Chairperson supported the text without change.

238. The Worker spokesperson proposed adding, at the end of the first sentence: “and beneficial to local communities in particular, and the tourism sector in general”.

239. The Employer Vice-Chairperson accepted the amendment. The proposal was adopted.

240. The expert from the Government of Chile proposed replacing the word “employees” by “workers” in the first sentence of subparagraph (a) as used elsewhere in the document.

241. The Employer Vice-Chairperson and the Worker spokesperson supported the amendment, which was adopted.

242. The subparagraph was adopted as amended.

Subparagraph 32(b)

243. The Worker spokesperson proposed the addition of “and ethical” after “stimulate good”; and adding “the promotion of international labour standards, particularly the fundamental principles and rights at work” at the end of the sentence. MNEs had to follow ethical and human rights practices, as well as labour law in the countries where they operated.

244. The Employer secretary agreed to the proposed addition of “and ethical”. He proposed replacing everything after “foreign MNEs” by “national and foreign businesses operating in their respective countries”.

245. The Worker Vice-Chairperson preferred the previous wording, since it specified national and multinational businesses in each country, which was clearer.

246. The Government Vice-Chairperson suggested that the two alternative references be separated.

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- 247.** The expert from the Government of Chile requested the secretariat to ensure consistent language regarding MNEs: stimulating good and ethical behaviour should refer to business conducted in the home country of the business and the country in which it operated.
- 248.** The expert from the Government of Colombia proposed adding “laws and policies for tourism” in order to address the concern expressed by the Employers.
- 249.** The Employer secretary observed that the subparagraph referred to the introduction of laws on businesses. National laws could not be imposed on an enterprise operating in another country, only in the country of origin.
- 250.** The Employer Vice-Chairperson proposed that “including private tourism services through digital platforms” be inserted after “their respective countries”.
- 251.** The Employer Vice-Chairperson proposed that the phrase “Introducing laws and policies for tourism to stimulate” be replaced by “Stimulating”.
- 252.** The Worker spokesperson opposed the proposed term “foreign”. The reference was clearly for multinational enterprises. It was questionable whether policies could “stimulate” behaviour. Ethical business practices should be placed in the context of international labour standards and ILO Fundamental Principles and Rights at Work.
- 253.** The Employer Vice-Chairperson proposed that the *UN Guiding Principles on Business and Human Rights* would be the appropriate reference text in this context. The term “foreign” was redundant referring to “MNEs”.
- 254.** The Worker spokesperson suggested that the reference should be to MNEs operating in other parts of the world.
- 255.** The Employer secretary observed that this could work to the detriment of workers’ rights where the home legislation of the MNE was inadequate from an ethical point of view.
- 256.** After a pause for negotiations, it was agreed to adopt the following text for the subparagraph: “Identifying tourism sector-specific risks and implementing due diligence procedures in accordance with the *UN Guiding Principles on Business and Human Rights*. With respect to responsible business conduct, governments should clearly communicate their expectation that all tourism enterprises domiciled in their territory and/or jurisdiction respect FPRW throughout their operations. They should consider whether further measures are needed which could include the regulation, inter alia, of private tourism services through digital platforms.”

Subparagraph 32(c)

- 257.** The Employer Vice-Chairperson requested clarification of the term “policy process”.
- 258.** The Secretary-General stated that “policy design process” or “policy formulation process” might be more accurate.
- 259.** The Worker spokesperson suggested that the words: “Simplifying overly complex regulations” should be deleted. The subparagraph should read: “Create standards to facilitate the implementation of sustainable enterprises” [... in consultation with the representative organizations ...].
- 260.** The Employer Vice-Chairperson said that overly complex regulations impeded the development of sustainable enterprises in many countries and often forced enterprises to

operate in the informal economy: simplifying regulations would promote compliance. The words: “Simplifying overly complex regulations” should therefore be retained in the text.

261. The Government Vice-Chairperson suggested that the paragraph simply refer to: “Simplifying regulations ...”. The Workers’ proposal to add a reference to the creation of standards was unclear.
262. The expert from the Government of Zambia, supporting the Government Vice-Chairperson, proposed that the creation of standards should be addressed in a new subparagraph, which should read: “Creating standards to support sustainable enterprises ...”.
263. The Government Vice-Chairperson suggested that the word “existing” should replace “overly complex”.
264. The Employer Vice-Chairperson said that, even though the introductory phrase referred to national tourism policy, it was acceptable to include the reference to public tourism policy in the subparagraph.
265. The Secretary-General of the Meeting noted that the introductory phrase referred to “national tourism policies”. For clarity, the paragraph should use either the word “national” or “public” policies.
266. An Employer expert from Argentina suggested that the expression “public policy” should be used.
267. The Chairperson proposed that the words “public policy process in the tourism sector” should be used. This proposal was adopted.
268. The Worker spokesperson supported the proposal to move their proposed text to a new subparagraph reading: “Creating standards to support sustainable enterprises”.
269. The Employer Vice-Chairperson rejected the amendment to add “Creating standards to support sustainable enterprises”, which implied that such enterprises already existed. Enterprises that were already sustainable did not require support. Standards were needed that would facilitate efforts by enterprises to achieve sustainability.
270. The Employer secretary proposed that “regulatory frameworks” or simply “frameworks” be used instead of “standards”.
271. The Chairperson observed that “standard setting” was a term with a very specific meaning within the ILO, whereas the subparagraph referred to national-level regulations and policies to facilitate the development of sustainable enterprises.
272. The Secretary-General observed that subparagraph 32(a) already captured the idea of facilitating the development of sustainable enterprises.
273. The Worker spokesperson accordingly withdrew the proposed new text. She supported the suggestion that subparagraph (c) should begin: “Simplifying existing regulations, in consultation with the representative organizations of employers and workers ...”. This proposal was adopted.
274. The Employer Vice-Chairperson questioned the references in the text in general to “trade unions”. The usual term in the ILO was simply “workers’ organizations”, and she accordingly proposed a global amendment to this effect. This proposal was adopted globally.

275. The subparagraph was adopted as amended to refer to “Simplifying existing regulations” and to remove the reference to trade unions. The global amendment was adopted.

Subparagraph 32(d)

276. The Government Vice-Chairperson questioned the idea of “modernizing” technical vocational education and training (TVET) systems. Many countries had already modernized TVET.

277. The Employer secretary concurred, proposing instead the term “adapting”.

278. The amendment was adopted.

Subparagraph 32(e)

279. The Worker spokesperson proposed that a phrase be added at the end of the subparagraph, to read: “which implement tourism policies that are socially responsible and decent work. Access to financial services should also be open to workers’ organizations and local communities for capacity building.”

280. The Employer Vice-Chairperson objected: conditionality was not appropriate in this context.

281. The Worker spokesperson agreed to remove the first part of the amendment.

282. The Chairperson took it that this meant that the paragraph would read: “... entrepreneurs and MSMEs. Access to financial services should also be open ...”.

283. The Worker spokesperson and the Employer Vice-Chairperson agreed to the proposal.

284. The Government Vice-Chairperson said that the reference to financial services was a matter of concern for the Government group, and preferred the original text.

285. The Chairperson drew attention to the introductory phrase: if the final sentence was included, it would underscore the importance of paying attention to facilitating access to financial services.

286. The Government Vice-Chairperson agreed to the inclusion of the sentence.

287. The subparagraph was adopted as amended.

Subparagraph 32(f)

288. The Government Vice-Chairperson proposed a number of amendments: “and implementing” should be added after “planning”, which should be followed by “and preventative measures”; “and calamities” should be added after “natural disasters”; “remains attractive” should be replaced by “is conserved and remains attractive”.

289. The amendments were adopted, and the subparagraph was adopted as amended.

Subparagraph 32(g)

290. The subparagraph was adopted without change.

Subparagraph 32(h)

- 291.** The Government Vice-Chairperson observed that security was not only the responsibility of government; private enterprises were expected to cover their internal security needs.
- 292.** The subparagraph was adopted without change.

Subparagraph 32(i)

- 293.** The subparagraph was adopted without change.

Subparagraph 32(j)

- 294.** The Worker spokesperson proposed an amendment to add “and cooperatives” after “MSMEs”.
- 295.** The Employer Vice-Chairperson observed that the Spanish text needed to repeat its reference to “mipymes” rather than “su” in the final phrase.
- 296.** The expert from the Government of Colombia observed that cooperatives were not necessarily included in the formulation of trade policy in all countries.
- 297.** The Secretary-General, replying to queries, stated that cooperatives were included among the intended users of the guidelines; their relevance was also emphasized in the ILO’s Promotion of Cooperatives Recommendation, 2002 (No. 193).
- 298.** The subparagraph was adopted as amended.

Subparagraph 32(k)

- 299.** The Employer Vice-Chairperson proposed that the term “respective” be added after the word “their” in the second line.
- 300.** The subparagraph was adopted as amended.

**3.2.1. Promoting youth employment in
the tourism sector**

- 301.** The Worker spokesperson proposed that the heading be amended to read: “Promoting decent youth employment and gender equality in the tourism sector”.
- 302.** The Employer Vice-Chairperson observed that gender equality was addressed in a separate section. The focus should be on youth employment alone.
- 303.** The Government Vice-Chairperson proposed that the reference to gender equality be withdrawn, and that the title should read simply: “Promoting decent jobs for youth in the tourism sector”.
- 304.** The heading was adopted as so amended.

Paragraph 33

- 305.** The expert from the Government of Sri Lanka observed that it was not true in his country that the tourism industry employed more young women than other sectors.

306. The Chairperson observed that the reference was only to global trends.

307. The paragraph was adopted without change.

Paragraph 34

308. The Employer Vice-Chairperson observed that the figures were global, and not specific to tourism.

309. The paragraph was adopted without change.

Paragraph 35

310. “National” was replaced by “public”, as agreed earlier as a global amendment. The introductory phrase was adopted as so amended.

Subparagraph 35(a)

311. The subparagraph was adopted without change.

Subparagraph 35(b)

312. The Worker expert from Spain proposed new language be inserted at the end of the subparagraph that would stress the need for countries to adopt legislation that supported entrepreneurship.

313. The Government Vice-Chairperson cautioned that the addition to subparagraph (b) of language requiring countries to adopt legislation to financially support entrepreneurship initiatives could amount to a call on governments to shoulder additional financial responsibilities and on ministries to take legislative steps for which they did not enjoy a mandate. He proposed that the amendment be moved to a separate subparagraph.

314. The subparagraph was adopted without change.

New subparagraph

315. The proposal to move the amendment to a separate paragraph was discussed, and on the basis of language proposed by the Workers’ group, the Executive Secretary read out the proposed new subparagraph to follow subparagraph (a): “Fostering entrepreneurship in the form of value added initiatives and promoting innovation through the provision of non-refundable subsidies as well as providing credit at low interest rates that are attractive for start-up enterprises through soft loans or microcredits.”

316. The Employer Vice-Chairperson felt this was too far-reaching and could impose unfair burdens on poorer countries. The Government Vice-Chairperson proposed reverting to the original text. The amendment was withdrawn.

Subparagraph 35(c)

317. The expert from the Government of Zimbabwe considered that preventing discrimination should not be the primary consideration in recruitment: merit should be primary.

318. The subparagraph was adopted without change.

Subparagraph 35(d)

- 319.** The Employer Vice-Chairperson objected to the use of “Ensuring”: these were only suggestions as to what governments might consider. It should be replaced by “Encouraging”.
- 320.** The subparagraph was adopted as amended by the Employer Vice-Chairperson.

Subparagraph 35(e)

- 321.** The Worker spokesperson proposed to add, at the beginning of the subparagraph, the words: “Youth employment policies must ensure equal labour protection by [applying] ...”.
- 322.** The Chairperson observed that this notion was to some extent covered by the paragraph’s introductory statement.
- 323.** The Employer Vice-Chairperson proposed that this idea would be better accommodated in paragraph 57. She questioned the use of the term “equal pay for work of equal value” in this context. She agreed with the subparagraph in general, but proposed to add “within a framework of similar conditions” following “work of equal value,” and add “which may affect” following “specific challenges”. The principle of “equal pay for work of equal value” was within a framework of similar conditions, and not of work that was exactly equivalent. That notion was included in various legislations around the world.
- 324.** The Secretary-General confirmed that the language used in the Equal Remuneration Convention, 1951 (No. 100), was “equal pay for work of equal value”.
- 325.** The Government Vice-Chairperson stated that the Government group did not feel it necessary to refer to equality numerous times. The idea of ensuring labour protection was key. He therefore proposed to delete the word “equal” after the word “ensuring” in the proposed addition on the first line, as that would be in line with the Convention.
- 326.** The Employer Vice-Chairperson stated that the addition regarding “similar conditions” was to ensure clarity.
- 327.** The Worker spokesperson stated that the Workers agreed with the Government proposal. Labour protection was a universal principle that all parties had agreed when approving Convention No. 100.
- 328.** The Secretary-General explained that the draft text never intended to question the principle of equal pay for work of equal value. The term “may consider” in the chapeau was causing problems. It was part of the fundamental principle and rights at work, and putting that into question would detract from the role of standards. She recommended the Meeting revert to the original text or add “while applying the principle of equal work of equal value” before subparagraph 35(e).
- 329.** The Government Vice-Chairperson stated that, in the light of the explanation, the Government group unanimously decided to retain the original draft text.
- 330.** The Worker spokesperson and the Employer Vice-Chairperson withdrew their amendments.
- 331.** The subparagraph was adopted without change.

3.2.2. Facilitating the transition to formality

Paragraph 36

- 332.** The Chairperson recalled that there had been issues with the Spanish text of this paragraph in that it differed from the English; the text should read: “rigid regulation, weak enforcement and the lack of organization of labour” in place of “weak regulation, enforcement and organization of labour”.
- 333.** The Worker spokesperson preferred the amended text.
- 334.** The Government Vice-Chairperson preferred the original text.
- 335.** The Employer Vice-Chairperson opposed the amendment. They rejected the suggestion that the tourism sector was largely informal, since failure to apply standards was a general problem. Informality existed in the sector partly as a result of weak enforcement of regulations, not because employers had failed to comply with standards.
- 336.** The Chairperson explained that the intention was to ensure that the English text was consistent with the preferred Spanish. As an alternative, he suggested that they keep the original text and edit the Spanish text to match the English original.
- 337.** It was so agreed. The paragraph was adopted as originally drafted in English.

Paragraph 37

- 338.** The Worker spokesperson proposed to add, after “Decent work deficits such as” in the first line, the words “limited access to freedom of association and collective bargaining”; after “low wages”, to add “lack of job security and of social protection”; and to replace the phrase “commercial sexual exploitation” by the words “sexual abuse”.
- 339.** The Employer secretary suggested that the amendment should instead read: “freedom of association and the right to collective bargaining”. “Job security” was a fragile concept in the modern world, and it was not meaningful to refer to collective bargaining in the informal sector.
- 340.** The Worker spokesperson withdrew the first two amendments proposed.
- 341.** The Government Vice-Chairperson sought clarification from the Office as to whether “sexual abuse” was the official ILO term.
- 342.** The Secretary-General confirmed that this was the usual formulation. This amendment was adopted.
- 343.** The paragraph was adopted as amended.

Paragraph 38

Introductory phrase and subparagraphs 38(a), (b) and (c)

- 344.** The introductory phrase and the subparagraphs were adopted without amendment.

Subparagraph 38(d)

- 345.** The Worker spokesperson proposed to add “racial and ethnic minorities” after “migrants”. This amendment was adopted.

346. The subparagraph was adopted as amended.

New subparagraph

347. The Government Vice-Chairperson proposed a new subparagraph to read: “Raising awareness about workers’ rights and the benefits of formal employment.” This amendment was adopted.

348. The new subparagraph (e) was adopted.

3.2.3. Non-standard forms of employment

Paragraph 39

349. The Worker spokesperson proposed to add at the end of the paragraph: “A decent work agenda should prioritize the regulation of NSFE and in particular address the negative impact of outsourcing and subcontracting on workers’ rights to organize and bargain collectively.”

350. The Government Vice-Chairperson explained that the group had no major objections to the original text, despite questions on whether part-time work, zero-hour contracts and other modalities were regarded as NSFE. There was no common position on the proposed amendment.

351. The expert from the Government of Chile noted that the description of NSFE was captured in the conclusions of the Meeting of Experts on Non-Standard Forms of Employment of 2015. He requested clarification on whether it contained agreed text.

352. The Secretary-General of the Meeting explained that the language in paragraph 39 was taken from paragraph 2 of the conclusions of the Meeting of Experts on Non-Standard Forms of Employment of 2015.

353. The Chairperson believed that the impact of outsourcing and subcontracting had already been discussed; the proposed additional sentence at the end of the paragraph was not strictly necessary.

354. The Worker spokesperson said that the issue of outsourcing and subcontracting was a key issue for the Workers’ group that was not addressed in other parts of the draft guidelines.

355. The Chairperson proposed that the paragraph should be amended to read: “... are distinct features. A decent work agenda should prioritize the regulation of outsourcing and subcontracting on workers’ rights to organize and bargain collectively.”

356. The Employer secretary proposed that the paragraph should be amended to read: “... are distinct features. A decent work agenda, while acknowledging the benefits of outsourcing and subcontracting, should address their negative impacts.”

357. The Government Vice-Chairperson proposed that, to break the deadlock, neutral language was needed. The paragraph should read: “... are distinct features. A decent work agenda should address the impacts of outsourcing and subcontracting on workers’ rights to organize and bargain collectively.”

358. The expert from the Government of Zambia agreed, but stressed the importance of regulating NSFE.

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- 359.** The Worker spokesperson echoed this view and requested an additional reference to NSFE in the sentence.
- 360.** The Employer secretary noted that it was important to refer to positive impacts besides the potential negative impacts. NSFE had an important function in the tourism sector.
- 361.** The Secretary-General of the Meeting clarified that both the positive as well as the negative effects of NSFE were addressed in paragraph 40. Paragraphs 39 and 40 had been carefully drafted in line with the agreed language.
- 362.** The amendment proposed by the Government Vice-Chairperson was adopted, and the paragraph was adopted as amended.

Paragraph 40

- 363.** The Worker spokesperson proposed to replace the paragraph with paragraph 4 of the conclusions of the Meeting of Experts on Non-Standard Forms of Employment of 2015: “Well-designed and regulated non-standard forms of employment can help enterprises by increasing their ability to respond and adapt to market demands. They can also be a useful mechanism for retaining and recruiting workers, as well as for more quickly harnessing the skills and expertise of certain workers on the labour market. Yet when non-standard forms of employment are misused by employers in order to circumvent their legal and contractual obligations and other employment-related responsibilities, this undercuts fair competition, with detrimental effects for responsible businesses, workers, and society at large.”
- 364.** The Government Vice-Chairperson supported the original text drafted by the Office as it specifically dealt with issues in the tourism sector. It was a step in the right direction. Adding new text would make the section more cumbersome.
- 365.** The Worker spokesperson withdrew the amendment, but proposed to replace: “These forms of employment” with “Well-designed and regulated NSFE can” in the first sentence of the original paragraph. This proposal was accepted.
- 366.** Paragraph 40 was adopted with the new text as amended.

Paragraph 41

Subparagraph 41(a)

- 367.** The Worker spokesperson proposed amending the subparagraph to read: “Addressing NSFE in regulatory frameworks, through enforcement of laws and labour inspection systems with the active participation of workers’ organizations, active labour market policies and the judicial system.”
- 368.** The Employer Vice-Chairperson did not support the amendment.
- 369.** The Government Vice-Chairperson proposed to move the proposed reference to “with the active participation of workers’ organizations and” earlier in the phrase, after “frameworks”.
- 370.** The Employer Vice-Chairperson noted that the social partners were mentioned in the introductory phrase. The proposal was hence redundant. If an addition was to be made, it should refer to both employers’ and workers’ organizations.
- 371.** The Worker spokesperson withdrew the other parts of the amendment and agreed to refer to “employers’ and workers’ organizations”. This proposal was adopted.

372. The subparagraph was adopted as amended.

Subparagraph 41(b)

373. The Employer Vice-Chairperson proposed that list item (7) read: “freedom of association and the right to collective bargaining”.

374. The subparagraph was adopted as amended.

3.3. Investing in the human resource development of the tourism workforce

Paragraph 42

375. The Worker spokesperson proposed to replace “employee” by “worker” globally throughout the text, and to add “attractive jobs and” before “career perspectives”.

376. The Employer Vice-Chairperson agreed with the global amendment, but did not understand the meaning of “attractive jobs”, as it was subjective.

377. The Government Vice-Chairperson agreed with the Employer Vice-Chairperson.

378. The Worker spokesperson explained that the intention was to ensure attractive job titles, such as the use of “chef” instead of “cook” in order to retain workers in the sector. However, in view of the lack of support, the amendment was withdrawn.

379. The paragraph was adopted as amended: the global amendment was adopted.

Paragraph 43

380. The Worker spokesperson proposed to add, at the end: “particularly for marginalized and poor workers. Training and skills development should be holistic in both hotel systems and tourism core values.” However, in view of time constraints and the lack of support, the amendment was withdrawn.

381. The paragraph was adopted without change.

Paragraph 44

382. The Worker spokesperson proposed that a new sentence be added at the end: “Therefore modules on tourism and decent work should be developed by governments in consultation with the social partners to be taught in formal schools to promote tourism. Skills for special interest groups in the sector should be promoted by regulations that can guide stakeholders in developing their careers.”

383. The Employer Vice-Chairperson was opposed to the amendment. She proposed that the phrase “and are frequently employed in the informal economy” be deleted; and that the phrase “in some countries” be added after “Women” at the start of the third sentence.

384. The Government Vice-Chairperson preferred the original text. What was meant by “formal schools”? These fell outside the scope of the guidelines, since they were covered by education policy.

385. The Worker spokesperson adopted this view, and proposed to change “formal schools” to “tourism schools”.

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- 386.** The Employer Vice-Chairperson asked who would promote such skills in this context, and questioned whether women required separate training.
- 387.** The expert from the Government of Colombia considered it unclear what was meant by “special interest groups”.
- 388.** The Worker spokesperson explained that the social partners were expected to do so. “Special interest groups” included youth, women, people with disabilities, etc.
- 389.** In view of time constraints and the lack of support, the Workers’ amendment was withdrawn.
- 390.** The amendment proposed by the Employer Vice-Chairperson was adopted.
- 391.** The paragraph was adopted as amended.

Paragraph 45

- 392.** The introductory text was adopted without change.

Subparagraph 45(a)

- 393.** The Worker spokesperson proposed to add “job security,” after “employability”.
- 394.** The Employer Vice-Chairperson considered this inappropriate. The Government Vice-Chairperson preferred the original text.
- 395.** The amendment was withdrawn.
- 396.** The subparagraph was adopted without change.

Subparagraph 45(b)

- 397.** The Employer Vice-Chairperson proposed to add “in consultation with all the parties” at the end of the subparagraph. The Worker spokesperson agreed to this amendment. The Chairperson and the Worker spokesperson observed that this would repeat the introductory phrase.
- 398.** The Government Vice-Chairperson preferred the original text. There was a significant distinction between agreement and consultation.
- 399.** The Worker spokesperson did not consider the distinction significant.
- 400.** The Employer Vice-Chairperson stated that, in Argentina, the certification of professional skills and competencies was conducted within a framework of tripartite meetings, and this should therefore be possible in other countries too.
- 401.** The Employer Vice-Chairperson emphasized that consultation was essential in developing certification programmes.
- 402.** The amendment was adopted, and the subparagraph was adopted as amended.

Subparagraph 45(c)

- 403.** The subparagraph was adopted without change.

Subparagraph 45(d)

- 404. The Employer Vice-Chairperson proposed to add a new sentence at the end: “Establishing an accreditation system applicable to all training institutions.” Normalization of accreditation would improve the credibility of qualifications. Paragraph 46 did not address conformity issues.
- 405. The Worker expert from Uganda observed that governments and stakeholders should have strict guidelines to produce employable graduates. This was also relevant to paragraph 46.
- 406. The Government Vice-Chairperson preferred the original text: this idea belonged elsewhere.
- 407. The Employer Vice-Chairperson considered that it should be included in both paragraphs 45(d) and 46. In view of time constraints, she withdrew the amendment.
- 408. The subparagraph was adopted without change.

Subparagraph 45(e)

- 409. The Government Vice-Chairperson proposed to replace “Raising awareness of the rights and responsibilities of tourism workers, as well as of skills to impart values and knowledge” by “Raising awareness of the rights of tourism workers, as well as of skills to impart values and knowledge on the responsibilities of relevant actors on gender equality ...”.
- 410. The subparagraph was adopted as amended.

Subparagraph 45(f)

- 411. The Worker spokesperson proposed to add “skilled” before “kitchen” for reasons stated earlier.
- 412. The Employer Vice-Chairperson opposed the amendment, since the reference was to departments, not workers.
- 413. The amendment was withdrawn.
- 414. The Employer Vice-Chairperson proposed adding “on the basis of their qualifications” in the second line after “promoting them”, as workers should be promoted on the basis of skills and qualifications alone.
- 415. The Worker spokesperson supported the amendment.
- 416. The expert from the Government of Chile supported the amendment.
- 417. The subparagraph was adopted as amended.

Subparagraph 45(g)

- 418. The Employer Vice-Chairperson proposed deleting the final phrase: “stemming, among other factors, from long working hours and night or weekend shifts”. There was no need to restrict the scope of challenges to work-life balance. While such balance was a valid goal, however, staff entering executive positions normally expected to work long hours on occasion.
- 419. The Government Vice-Chairperson preferred the original text.

420. The subparagraph was adopted as amended.

Technical vocational education and training and skills development

Paragraph 46

- 421.** The Worker expert from Uganda proposed to add a sentence at the end: “Governments and stakeholders should ensure the establishment and/or promotion of a tourism development levy or tax to promote tourism and its sustainability.”
- 422.** The Employer Vice-Chairperson rejected the amendment: fiscal issues were outside the scope of the guidelines, and were a matter for national policy based on general economic considerations.
- 423.** The expert from the Government of Colombia proposed that “among other forms of tourism” be added after “(MICE)”.
- 424.** The Government Vice-Chairperson preferred the original text, since the issue was TVET and not the sustainability of tourism.
- 425.** The Worker spokesperson withdrew the amendment adding a new sentence.
- 426.** The amendment adding “among other forms of tourism” was adopted.
- 427.** The expert from the Government of Colombia stressed the importance of acknowledging that different forms of tourism, such as rural and cultural tourism, existed as well.
- 428.** The Employer Vice-Chairperson proposed to replace “low-cost brands” by “low-cost services”. The amendment was adopted.
- 429.** The paragraph was adopted as amended.

Paragraph 47

- 430.** The Worker spokesperson proposed to insert “secure decent jobs and” before “improving” in the second line.
- 431.** The Government Vice-Chairperson preferred the original text.
- 432.** The Government Vice-Chairperson proposed adding “and technical” in the last sentence between the words “training” and “institutions”. He agreed with the addition proposed by the Workers.
- 433.** The Employer Vice-Chairperson accepted the amendments, and proposed the deletion of “informal” after “online”. The Worker spokesperson agreed to this amendment.
- 434.** The Chairperson agreed that the word “informal” referred to self-study and on-the-job training, which were already mentioned in the paragraph: it could be removed.
- 435.** The paragraph was adopted as amended.

New paragraph

- 436.** The Worker spokesperson proposed the addition of a new paragraph to read: “Education is a value that benefits the individual and contributes to the achievement of objectives in the

tourism sector. Accreditation of TVET and skills development centres should be under strict guidelines to avoid unemployable graduates.”

- 437.** The Government Vice-Chairperson suggested that the new paragraph should be placed before paragraph 47. He requested clarification of the term “unemployable graduates”.
- 438.** The Worker expert from Uganda said that unemployable graduates were individuals who graduated from institutions that had failed to teach them the skills they needed to work in their chosen professions.
- 439.** The Government Vice-Chairperson suggested that the word “education” in the proposed new paragraph should be replaced by the word “training”.
- 440.** The Employer secretary suggested that the text should include both “Education and training ...”. The Worker spokesperson agreed to the subamendment, which was adopted.
- 441.** The Worker expert from Uganda accordingly proposed that the text be adopted as a new paragraph to follow paragraph 47, to read: “Education and training benefit the individual and contribute to the achievement of objectives in the tourism sector. Accreditation of TVET and skills development centres should be under strict guidelines to avoid unemployable graduates.”
- 442.** The amendment was adopted. The new paragraph was added.

Paragraph 48

- 443.** The Worker spokesperson proposed deleting the reference to “multitasking”, since this term was often used to imply that workers trained for specific jobs should perform other work for which they had not been trained, thereby undermining the principle of decent work.
- 444.** The Chairperson proposed to insert “inter alia” in the third line after “These include”.
- 445.** The Government Vice-Chairperson proposed to add “and cultural values” after “cultures”.
- 446.** The amendments were adopted, and the paragraph was adopted as amended.

Paragraph 49

- 447.** The paragraph was adopted without change.

Paragraph 50

- 448.** The Worker spokesperson proposed to add, after “governments” in the introductory phrase, the words “, in consultation with employers’ and workers’ organizations,”. This amendment was adopted and the introductory phrase was adopted as amended.

Subparagraph 50(a)

- 449.** The Worker spokesperson proposed to replace “providers” in the first bullet by “workers”.
- 450.** The Employer Vice-Chairperson objected to this change, since the issue here was entrepreneurship.
- 451.** The amendment was withdrawn.
- 452.** The first five bullets were adopted without change.

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- 453.** The Employer Vice-Chairperson proposed that the sixth bullet be amended to read: “necessary action in cases of crises, disasters and risks” to reflect language adopted by the United Nations World Tourism Organization.
- 454.** The Government Vice-Chairperson requested that the references to emergencies and natural disasters in the sixth bullet be replaced by the standard wording used to describe such problems: “emergencies and natural disasters like earthquakes, typhoons or flooding”. This amendment was adopted.
- 455.** The Worker spokesperson proposed to add a new final bullet, to read: “OSH, including labour rights, responsibilities and hazard awareness at work.”
- 456.** The Employer Vice-Chairperson asked what specifically was envisaged by such text.
- 457.** In view of time constraints, the Worker spokesperson proposed to subamend the amendment to refer only to occupational safety and health. The amendment was adopted as subamended.
- 458.** The subparagraph was adopted as amended.

Subparagraphs 50(b), (c), (d) and (e)

- 459.** The subparagraphs were adopted without change.

Subparagraph 50(f)

- 460.** The Worker spokesperson proposed to adhere to the standard wording agreed for the last draft bullet of subparagraph (a). This amendment was adopted, and the subparagraph was adopted as amended.
- 461.** The expert from the Government of Zambia proposed that “emergencies” should be replaced by “climate change”, as reflected in the text of paragraph 32(f).
- 462.** The Chairperson clarified that paragraph 32(f) as adopted included no such change, and proposed that the original text be retained.
- 463.** The paragraph was adopted.

Paragraph 51

Introductory phrase and subparagraph 51(a)

- 464.** The introductory phrase and the subparagraph were adopted without change.

Subparagraph 51(b)

- 465.** The Employer expert from the Netherlands proposed that “based on consultations with the relevant tourism associations, national and local authorities” be replaced by “based on consultations with national and local authorities and mandatory consultations with the relevant tourism associations”.
- 466.** The Employer Vice-Chairperson supported the amendment.
- 467.** In view of time constraints, the amendment was withdrawn.
- 468.** The subparagraph was adopted without change.

Subparagraph 51(c)

469. The Worker spokesperson proposed to add “older persons,” after “migrant workers,”.

470. The subparagraph was adopted as amended.

Subparagraph 51(d)

471. The subparagraph was adopted without change.

Subparagraph 51(e)

472. The Employer Vice-Chairperson observed that the Spanish version should be amended to begin with the verb “facilitar” rather than “asegurar” to bring it into line with the English. She further proposed to add “compatible with their professional responsibilities” after “adequate time”. Such release schemes must take account of the functional needs of enterprises.

473. The Worker spokesperson opposed the amendment. Such upgrading was beneficial to the enterprises, which should regard it as an investment. The issue was one of the key areas on which the Workers had not reached a consensus.

474. The expert from the Government of Zambia considered that the draft text was understood as meaning “relevant” to the workers’ occupation in the workplace. The Employers’ amendment could be regarded as repetition.

475. The Chairperson recalled that the discussion had highlighted the benefit to employers of skills upgrading. If something was adequate, it should also be compatible, which made the reference to “compatible” unnecessary.

476. The Employer Vice-Chairperson disagreed. The term “relevant” did not refer to professional responsibilities; time and skills upgrading should be provided, but not in such a way that it was detrimental to workers’ professional responsibilities.

477. The Chairperson drew attention to the introductory phrase of paragraph 51, which read “should aim at”, which was not binding. He suggested changes to the Spanish translation: “adequate time” in English should be rendered as “adecuado”, not “suficiente”; “facilitar” should replace “asegurar”.

478. The Employer Vice-Chairperson stated that this did not change the meaning.

479. The Government Vice-Chairperson said that there was a clear distinction between “providing” and “ensuring”; “ofrecer” might be preferable in Spanish. The Government understood the subparagraph to mean “skills relevant to the job”.

480. The Worker spokesperson acknowledged the Employers’ concern. The group would be willing to remove “providing” and use “allowing” instead, and delete “compatibility”.

481. The Chairperson suggested the following wording, taken from the Conclusions on skills for improved productivity, employment growth and development adopted at the International Labour Conference in 2008, which in a similar scenario stated “considering to ensure sufficient time for”.

482. The Employer Vice-Chairperson, taking into account the Chairperson’s suggestion, proposed the wording “considering the possibility of providing workers with adequate time for ...”.

483. The Government Vice-Chairperson proposed instead: “providing workers with adequate time for skills upgrading and training relevant to their work”.

484. The Worker spokesperson rejected “considering the possibility” and supported the proposal by the Government Vice-Chairperson, which should be subamended to read: “allowing workers the opportunity for relevant skills upgrading and training compatible with their professional responsibilities”.

485. After further discussion, the Chairperson proposed that the subparagraph be redrafted to read: “Providing workers, where possible, with adequate time for relevant skills upgrading and training.” This proposal was adopted.

486. The subparagraph was adopted as amended.

Subparagraph 51(f)

487. The subparagraph was adopted without change.

Subparagraph 51(g)

488. It was agreed to delete “any” for editorial reasons. The subparagraph was adopted as amended.

New subparagraph

489. The Worker spokesperson proposed to add a further subparagraph at the end: “Providing certification for the recognition of qualifications and skills beyond the national level to facilitate the cross-border professional mobility of tourism workers.”

490. In view of time constraints, the amendment was withdrawn.

3.4. *Implementing international labour standards and enforcing compliance with laws and regulations*

Paragraph 52

491. It was agreed, for editorial reasons, to replace “to realize the principles concerning the fundamental rights at work” by “to realize the fundamental principles and rights at work”. The amendment was adopted, and the paragraph was adopted as amended.

Paragraph 53

492. The Employer Vice-Chairperson proposed to delete the paragraph. It was not appropriate to call for ratification of instruments in a set of guidelines.

493. The Government Vice-Chairperson proposed that the paragraph be retained with the deletion of the reference to “ratification”.

494. The Employer secretary suggested, as a compromise, that the paragraph as a whole be replaced by a shorter one: “The effective implementation of FPRW is central to the promotion of sustainable tourism.”

495. The Government Vice-Chairperson preferred the original text. It should refer to the ratification of “relevant international labour standards”. FPRW were already covered by paragraph 52.

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- 496.** The Worker spokesperson preferred the original text.
- 497.** The Employer Vice-Chairperson observed that the Spanish was too strong in using the verb “exige”. The Chairperson proposed it be replaced by “llama”. He asked whether the paragraph could simply be deleted. The Employer Vice-Chairperson and the Government Vice-Chairperson could agree to its deletion.
- 498.** The Worker secretary questioned the proposed deletion. It was difficult to envisage a set of ILO guidelines which did not call for the ratification of relevant international labour standards. He asked whether such omissions had occurred before.
- 499.** The Secretary-General confirmed that a reference to international labour standards was normal practice. Section 3.4 should be read in conjunction with section 3.4.1 and subsequent paragraphs where there were distinct references to standards.
- 500.** The Worker spokesperson, in view of time constraints, agreed to the deletion of the paragraph.
- 501.** The paragraph was deleted.

Paragraph 54

- 502.** The Employer Vice-Chairperson proposed that the term “collective bargaining” be replaced by “the right to collective bargaining”.
- 503.** The Government Vice-Chairperson and the Worker spokesperson supported the amendment.
- 504.** The paragraph was adopted as amended.

3.4.1. Promoting equality and non-discrimination

Paragraph 55

- 505.** The Worker spokesperson proposed that a reference to “ethnic and racial minorities” be inserted after “particularly women,”.
- 506.** The Government Vice-Chairperson questioned the reference to LGBTI. This was not included in the list in 27(a), and might give rise to problems in some cultures.
- 507.** The Secretary-General explained that this was standard language in the ILO: the Private Employment Agencies Recommendation, 1997 (No. 188), the HIV and AIDS Recommendation, 2010 (No. 200), and observations by the Committee of Experts on the Application of Conventions and Recommendations all used such terminology.
- 508.** The Employer secretary observed that this posed a recurrent problem for translators. He called in general on all translators to stick as closely to possible to the structure of the English version, and to use words as close to the English as possible.
- 509.** The Secretary-General indicated that Convention No. 111 and Convention No. 100 made it unnecessary to list all groups of vulnerable people. The Office proposed to replace “women, LGBTI people, persons with disabilities, workers belonging to indigenous and tribal peoples, migrant workers, people living with or affected by HIV and AIDS are” by “people and groups vulnerable to discrimination”.

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- 510.** The Worker spokesperson supported the proposed text on the understanding that all the groups listed in the original text were implicitly covered.
- 511.** The Government Vice-Chairperson explained that some governments considered the inclusion of a reference to LGBTI to be essential, but others did not accept it. There was no legal necessity to refer to specific vulnerable groups, so the Government group adopted the proposed text.
- 512.** The expert from the Government of Indonesia agreed with the proposed text.
- 513.** The expert from the Government of Chile stated that discrimination against LGBTI persons was not acceptable, and adopted the new proposed text provided that it comprised this group.
- 514.** The Worker Secretary accepted the proposed amendment in view of reaching consensus, but stressed that discrimination against LGBTI people was an issue of major concern within his group.
- 515.** Paragraph 55 was adopted as amended.

Paragraph 56

- 516.** The Employer Vice-Chairperson agreed with the text, but proposed to delete the text of the penultimate sentence after “, for example” as the paragraph was clear without further examples.
- 517.** The Worker spokesperson agreed with the amendment proposed by the Employers, provided that the last sentence read: “Governments should ensure that the rights of indigenous peoples are safeguarded.”
- 518.** The Government Vice-Chairperson expressed no objection to the amendments, but proposed to add “and cultures” after “rights” in the amendment proposed by the Workers.
- 519.** The Government expert from Chile supported the amendment as subamended: the right to consultations was enshrined in Convention No. 169.
- 520.** The amendment was adopted.
- 521.** The Worker spokesperson proposed to add another sentence at the end of the paragraph: “Thus the development of the tourism sector should be parallel to the concept of sustainable development and its social, economic, cultural and environmental implications, particularly those related to the tourism sector.”
- 522.** The expert from the Government of Zambia proposed subamending the new sentence proposed by the Workers to refer to “those related to indigenous and tribal peoples” rather than “those related to the tourism sector”. The subamendment was adopted, and the amendment was adopted as subamended.

Paragraph 57

- 523.** The introductory phrase was adopted without change.

Subparagraph 57(a)

- 524.** The Worker spokesperson proposed a number of changes to the subparagraph. First, she proposed to rephrase the first sentence to refer to a general environment “of zero tolerance to violence, gender-based violence, harassment, sexual harassment, harassment based on

sexual orientation and gender identity and racism”; to insert “and work towards eliminating these forms of” in the second sentence between “addressing” and “violence”; to add the phrase “including psychological harassment” at the end of the second sentence; in the third sentence to delete “(moral and sexual)” and to add “these forms of” before “violence and harassment”; and to add a final sentence, to read: “It is necessary to have specific national laws in place that penalize the incidence of these forms of violence and harassment in the workplace.”

- 525.** The Employer secretary observed that the ILO Meeting of Experts on Violence against Women and Men in the World of Work of October 2016 defined “violence and harassment” broadly and did not need to be qualified or specified as proposed.
- 526.** The Secretary-General of the Meeting added that the Meeting of Experts of October 2016 had found that the terminology varied widely from country to country and that specific types of discrimination could be unintentionally omitted. The experts had thus agreed to define “violence and harassment” to “include a continuum of unacceptable behaviours and practices that are likely to result in physical, psychological or sexual harm or suffering”. She encouraged coherence with such language.
- 527.** The Worker spokesperson withdrew the amendments and supported the approach suggested, but proposed that a reference to the report of the ILO Meeting of Experts on Violence against Women and Men in the World of Work of October 2016 be added to the appendix. The proposal was adopted.
- 528.** The Government Vice-Chairperson supported the original text.
- 529.** The expert from the Government of Brazil supported the language agreed at the Meeting of Experts on Violence against Women and Men in the World of Work as that wording already encompassed sexual orientation and gender identity.
- 530.** The subparagraph was adopted without change.

Subparagraph 57(b)

- 531.** The subparagraph was adopted without change.

Subparagraph 57(c)

- 532.** The Worker spokesperson proposed to add “and other support structures” after “childcare facilities”; and to add a new sentence at the end, to read “Reinforce and improve the quality of services for the care of dependent persons.”
- 533.** The Employer Vice-Chairperson requested clarification of the scope of “other support structures”, and of the issues that the proposed new sentence aimed to address.
- 534.** The Worker spokesperson explained that other structures besides childcare facilities, such as canteens, were also important; “dependent persons” were older people or those requiring assistance. Governments often did not provide care for them, and women carried this burden.
- 535.** The Employer Vice-Chairperson could not support such extensive amendments.
- 536.** The Government Vice-Chairperson supported the original draft and proposed that the new sentence proposed by the Workers be moved to a new subparagraph, as it addressed an issue very different from that in subparagraph (c).

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537. The expert from the Government of Zimbabwe did not support the Workers' amendment: the term "dependent persons" was very vague and could be understood to cover nearly everyone, especially in her country. Similarly, the phrase "other structures" seemed to lack focus and could be read to include schools and hospitals.
538. The Secretary-General of the Meeting observed that the introductory phrase of paragraph 57 used the term "should aim to". Referring to Article 5(b) of the Workers with Family Responsibilities Convention, 1981 (No. 156), she proposed that the text read: "childcare, family services and facilities". This wording was adopted.
539. The Employer Vice-Chairperson accepted the first amendment by the Workers, but not the new text after the subparagraph.
540. The expert from the Government of Zambia considered the new text unnecessary.
541. The Worker spokesperson withdrew the amendment, explaining that quality services should be reinforced and improved regularly.
542. The subparagraph was adopted as amended.

Subparagraphs 57(d) and (e)

543. The subparagraphs were adopted without change.

**3.4.2. Eliminating forced and child labour:
Meeting the requirements**

Paragraph 58

544. The Employer secretary proposed to replace "it" in the fifth line by "parallel activities unduly associated with tourism".
545. The Worker secretary considered that child labour and child exploitation were different issues, and should be addressed differently in future ILO discussions.
546. The Worker spokesperson proposed an amendment to remove "commercial" in the fourth line, and add "abuse and" prior to "exploitation of adults" in the same line. She also proposed replacing "for nefarious end" by "for criminal purposes".
547. The Government Vice-Chairperson supported the proposed amendments.
548. The expert from the Government of Brazil voiced concern that such parallel activities used part of the legal infrastructure of tourism companies, which did not themselves commit the crimes.
549. The expert from the Government of Colombia echoed this concern. Mentioning informal activities suggested that formal activities did not lead to abuses.
550. The Government Vice-Chairperson observed that the word "its" preceding "infrastructure" was confusing, and proposed replacing "its" with "touristic," to read "touristic infrastructure". This amendment was adopted.

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- 551.** The Employer Vice-Chairperson stated that they were trying to eliminate informal activity. While sexual abuse was unacceptable in any form, formal sector activity was regulated and controlled, unlike the informal sector. The guidelines should not suggest that formal tourism could accommodate sexual abuse.
- 552.** An ILO expert from the Gender, Equality and Diversity Branch stated that the ILO had focused on the worst forms of child labour since the adoption of the Worst Forms of Child Labour Convention, 1999 (No. 182). As stated in the guidelines, those crimes were widespread. Organized criminals exploited both informal and formal enterprises including bars, clubs and hotels, where they exploited the lack of control and protection. Criminal activities took place in vulnerable areas of the sector, in both the formal and informal businesses.
- 553.** An Employer expert from Argentina stated that the guidelines, if so amended, risked providing an unduly negative picture of the sector. The abuses described in paragraph 58 were not caused by tourism, but rather by the lack of social assistance or by economic factors. More than half of all Argentinian establishments had signed up to the *Global Code of Ethics for Tourism* of UNWTO, which addressed all the issues covered in the guidelines. The Employer expert did not deny that abuses existed, but sought a more positive draft that recognized that tourism itself did not alone cause them.
- 554.** The Secretary-General of the Meeting recalled that the Introduction of the Guidelines recognized the importance of the sector: paragraph 4 stated that the intention of the guidelines was to make the sector even better. The amendments to the paragraph demonstrated that tourism was not the problem, but rather that criminal elements in society exploited it; the proposed addition of “for criminal purposes” and the second sentence demonstrated that.
- 555.** The Employer Vice-Chairperson stated that the current draft was acceptable, but it should be clear that the formal sector had procedures to counter criminal activity.
- 556.** The amendments were adopted, and paragraph 58 was adopted as amended.

Paragraph 59

- 557.** The Worker spokesperson proposed the text “victims of abuse and sexual exploitation” to replace “victims of commercial sexual exploitation” in order to maintain consistency; and to delete the following two sentences, as they merely explained the Convention.
- 558.** The Employer Vice-Chairperson proposed that the entire paragraph be deleted as it gave a largely negative impression of the sector. It was unclear what was meant by “cheaper accommodation”.
- 559.** The Government Vice-Chairperson proposed to replace “trinkets” by “handicrafts”. The phrase “children of sex workers” should be clarified, as there was already a general reference to children who lacked adequate adult care. The paragraph added value to the text.
- 560.** The expert from the Government of Zimbabwe opposed deletion of the paragraph. Some elements were very important. The phrase “children of sex workers” should be clarified.
- 561.** The Worker Vice-Chairperson stated that, while the paragraph was not essential, it contained important elements that needed to be included in the guidelines. He therefore preferred the amendment proposed by the Government Vice-Chairperson.

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- 562.** The Secretary-General asked whether the addition of “abused for informal, unregulated and criminal purposes” after “cheaper tourist accommodation” could be considered in order to acknowledge the concerns raised by the Employers.
- 563.** The Employer Vice-Chairperson stated that in her country, a regulated four-star hotel may cost 45 dollars a night. This may be considered cheap in other places. The term “cheap” was subjective. The cost of the service should not be associated with whether it was legal, illegal or prone to being abused.
- 564.** The Government Vice-Chairperson proposed adding the term “parallel activities unduly associated with tourism” in the first sentence, as agreed in the previous paragraph.
- 565.** The Employer expert from Zambia considered that paragraphs 59 and 60 were not necessary, since they addressed general illegal activities, not tourism specifically. Paragraph 61 addressed the ratification of Conventions to deal with the issues.
- 566.** The Chairperson requested the secretariat to provide a revised version of the paragraph to address the concerns expressed.
- 567.** The Secretary-General accordingly proposed to remove the disputed text and to describe only facts. The paragraph would read:

It has been estimated that 2 million children in the world are victims of commercial sexual exploitation, much of it linked with parallel activities unduly association to tourism (ILO, 2009a). Children who are particularly at risk include orphans and other vulnerable children, for example children who lack adequate adult care, who are victims of domestic violence, children from socially excluded and discriminated-against groups, homeless and street dwelling children, and out-of-school children.

- 568.** This new text was adopted.

Paragraph 60

- 569.** The Worker spokesperson proposed adding “including slavery and drug trafficking” at the end of the first sentence; and deleting all the text after the first sentence, as it was not necessary to explain the Convention. The amendment was adopted.
- 570.** The Employer Vice-Chairperson suggested deleting paragraph 60 entirely as it did not add any substance. The Conventions were already discussed in paragraph 61.
- 571.** The Worker spokesperson stated that it was useful to mention the Conventions and to call for immediate action against all forms of child labour. The paragraph could however be deleted.
- 572.** The Government Vice-Chairperson observed that Convention No. 182 and the Minimum Age Convention, 1973 (No. 138), were fundamental Conventions, and that the fight against child labour in all sectors was widely supported. Thus, referring to those Conventions would not be prejudicial to tourism. The Government experts therefore preferred to retain the references. A reference should also be included in the 2013 Brasilia Declaration on Child Labour. The quotation from Convention No. 182 could be deleted.
- 573.** The Chairperson proposed moving the first sentence of paragraph 60, as amended, to the beginning of paragraph 61, and deleting the rest of paragraph 60. This proposal was adopted. The result is discussed in the following section concerning paragraph 61.

Paragraph 61

574. The Worker spokesperson proposed to add, after “inter alia, at” at the end of the introductory phrase of paragraph 61 as drafted: “enacting national laws and regulations to protect persons, particularly migrant workers, from abusive and fraudulent practices during the recruitment process, based on international labour standards and ILO principles and operational guidelines for fair recruitment.”

575. The amendment was adopted, and the combined paragraph was adopted as amended.

Subparagraphs 61(a) and (b)

576. The subparagraphs were adopted without change.

Subparagraph 61(c)

577. The Worker spokesperson proposed adding “National and” before “Community” in the second sentence, since action should also be taken at the national level.

578. The subparagraph was adopted as amended.

Subparagraph 61(d)

579. The Employer Vice-Chairperson proposed to delete “and training skills at their hotels”.

580. The Worker Vice-Chairperson considered that the deletion did not make sense: the text did not oblige any establishment to provide training.

581. The Chairperson commented that the subparagraphs listed actions to be taken by governments and that subparagraph (d) called specifically on governments to conduct awareness-raising activities and community outreach programmes.

582. The Employer Vice-Chairperson agreed: hotels were private establishments not run by governments; the words “at their hotels” should therefore be deleted.

583. The experts from the Governments of Brazil and Zimbabwe supported the proposal by the Employers’ group.

584. The Worker Vice-Chairperson agreed to the deletion of the reference.

585. The subparagraph was adopted as amended.

Subparagraphs 61(e), (f) and (g)

586. The subparagraphs were adopted without change.

New subparagraph

587. The expert from the Government of Zimbabwe proposed adding a new subparagraph to read: “Establishing integrated case management systems to deal with child labour.” The amendment was adopted.

3.4.3. Ensuring freedom of association and the right to collective bargaining

588. The title of this section was amended to read as above.

Paragraph 62

589. The Secretary-General said that the Office would amend the draft to ensure that it referred to both the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), as was the normal practice. The paragraph was adopted without change.

Paragraph 63

590. The Employer Vice-Chairperson suggested deleting the words “the prevalence of”, before the word “informality” in the introductory phrase; and while retaining “Particular attention needs to be paid to”, amending the remainder of the paragraph, after “informality” to read as follows: “... including a high level of subcontracting and outsourcing. While these are important for the functioning of the sector, they may have consequences for workers’ freedom of association and right to bargain collectively. Collective bargaining is an effective means of determining conditions of work in the sector and for enhancing working conditions, career prospects and job security, to the benefit of workers.”

591. The Worker spokesperson preferred the original text.

592. The Government Vice-Chairperson emphasized the Government group’s support for the text as originally drafted. The deletion of the words “the prevalence of” was acceptable. Speaking as the expert from the Government of Brazil, he asked why subcontracting and outsourcing were regarded as being of particular importance in the sector: the phrase “While these are important for the functioning of the sector, they may have consequences for” should be replaced by “While these may be important for the functioning of the sector, they may have implications”. This subamendment was adopted.

593. The expert from the Government of Zambia also voiced support for the original text. Removing the words “the prevalence of” would imply that the whole sector was informal, which was not the case.

594. The Employer Vice-Chairperson considered it incorrect to assert that informality was prevalent.

595. The Secretary-General stated that the phrase “rights to associate and bargain collectively” would be replaced by “freedom of association and right to bargain collectively”, in accordance with the previous correction.

596. The amendments were adopted as subamended, and the introductory text was adopted as amended.

Subparagraph 63(a)

597. The Employer Vice-Chairperson agreed to the subparagraph provided that the wording was aligned with the corrected heading of the section.

598. In reply to a question by the expert from the Government of Brazil, the Chairperson said that the Office would ensure that the choice made in the subparagraph between the words “national” and “public” was in line with the rest of the text.

599. Subparagraph (a) was adopted on this understanding.

Subparagraph 63(b)

600. Subparagraph (b) was adopted with the addition of “the right to” [... collective bargaining] to bring it into line with the title of the section.

Subparagraph 63(c)

601. The Employer Vice-Chairperson requested that the Office clarify the phrase “based on their status”.

602. The expert from the Government of Zimbabwe requested that the Office clarify the term “eviction”.

603. The Secretary-General stated that, as stated in the introductory phrase, particular attention needed to be paid to protecting tourism workers. She proposed to simplify the text by deleting “or eviction” and “status or” in the first line, and replace “and trade unions, and protect these workers against anti-union discrimination” with “and by reason of union membership”. This would be in line with the Workers’ Representatives Convention, 1971 (No. 135), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and other instruments.

604. The Worker spokesperson agreed to the changes but asked to replace the “and” prior to ‘by reason of union membership’ with ‘or’ for clarity.

605. The Employer Vice-Chairperson accepted the changes.

606. The Government Vice-Chairperson had no problem with the original text, but appreciated the clarification and accepted the amendment.

607. The subparagraph was adopted as amended.

Subparagraph 63(d)

608. The Worker spokesperson suggested that the paragraph be amended to read: “... structures at the national and workplace level ...”.

609. The Employer Vice-Chairperson and the Government Vice-Chairperson agreed to the amendment. However, the Employer secretary requested clarification of the term “participation”.

610. The Secretary-General said that several ILO texts used the phrase “consultation and participation”, but the reference to participation was not necessary in the subparagraph. It was proposed to delete it. This proposal was adopted.

611. The subparagraph was adopted as amended.

3.5. Strengthening labour protection

Paragraph 64

612. The paragraph was adopted without change.

3.5.1. Social security

Paragraph 65

- 613.** The Employer Vice-Chairperson proposed to delete the last sentence, since responsibility for the provision of social security benefits lay with the State. Employers should not be held responsible for providing non-contributory social assistance to make up workers' pension contribution shortfalls.
- 614.** The Worker spokesperson objected to the deletion.
- 615.** The Government Vice-Chairperson agreed to the deletion of that sentence. It was clear that the provision of non-contributory social assistance was the responsibility of the State.
- 616.** The expert from the Government of Zambia agreed with the views expressed by the Government Vice-Chairperson.
- 617.** The Employer Vice-Chairperson agreed to retain the sentence provided it was made clear that governments, and not employers were responsible for providing non-contributory social assistance to workers.
- 618.** The Worker Vice-Chairperson proposed to amend the sentence to read as follows: "Other non-contributory social assistance measures provided by governments could then become essential."
- 619.** The paragraph was adopted as amended.

Paragraph 66

- 620.** The Employer Vice-Chairperson proposed deleting the words "The prevalence of" at the beginning of the paragraph. This amendment was adopted. She proposed that the second sentence be deleted. The source of this assertion was not clear.
- 621.** The Worker spokesperson preferred to retain the text. Statistics on women in the informal economy bore out the assertion, and elsewhere in the text women were described as disadvantaged.
- 622.** The Executive Secretary explained that the text was based on country studies summarised in the ILO working paper *International Perspectives on Women and Work in Hotels, Catering and Tourism*.
- 623.** The proposal to delete the second sentence was withdrawn.
- 624.** The Chairperson proposed that the second sentence accordingly be introduced by "Recent research shows that, in some countries ...". This amendment was adopted.
- 625.** The Government Vice-Chairperson stated that some governments had problems with the word "public" qualifying social security coverage in the penultimate line and proposed to delete it. This amendment was adopted.
- 626.** The paragraph was adopted as amended.

Paragraph 67

Introductory phrase and subparagraphs 67(a), (b), and (c)

- 627.** The Employer Vice-Chairperson asked whether in subparagraph (b) governments were called on to provide social security to the informal sector. The reference was inappropriate.
- 628.** The Secretary-General explained that the wording was taken from the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). Extension strategies covered social assistance schemes. The Employers accepted the wording.
- 629.** The introductory phrase and subparagraphs (a), (b), and (c) were adopted without change.

Subparagraph 67(d)

- 630.** The Employer Vice-Chairperson proposed that the subparagraph be redrafted as follows: “Seeking to ensure that all workers in the formal tourism economy enjoy social protection coverage regardless of their employment situation.”
- 631.** The Government Vice-Chairperson preferred the original text. The expert from the Government of Zambia objected to the loss of the reference to NSFE.
- 632.** The Employer secretary considered that the use of NSFE as a concept was not advancing the general debate on how to cover the diverse new forms of employment. It was time for a more general approach based on a more open definition. In support of the amendment, he requested that the following statement by the Employer experts be included in the report:

While the “standard” contract of employment was the norm in many developed countries throughout much of the twentieth century, other forms of work and contractual arrangements have emerged and are emerging, bringing both new opportunities and challenges. It is difficult to foresee what the “norm” will be in the future. As such, the “standard” versus “non-standard” typology will not help to enrich our understanding of the diverse forms of work in today’s labour market or to find solutions to the different challenges. There is thus a need in the future to move from subjective to objective notions that are not value-laden but that accurately capture reality. It is in this light that we opt to use the terminology “diverse forms of work”, which better captures the variety of work forms in today’s labour market reality.

- 633.** The Worker Vice-Chairperson queried whether the Spanish translation of “non-standard” by “atípica” was accurate.
- 634.** The Worker spokesperson preferred the original reference to NSFE. It was not the appropriate context in which to raise the more general debate on this issue, and the guidelines should adhere to agreed ILO terminology.
- 635.** The Secretary-General explained that the text was based on paragraph 7(d) of the Conclusions adopted by the Meeting of Experts on Non-Standard Forms of Employment of 2015.
- 636.** The Government Vice-Chairperson preferred the original text, but accepted that new wording on NSFE would perhaps be useful. The term “regardless of their employment situation” was acceptable, but the word “formal” in the amendment should be deleted. This subamendment was adopted.
- 637.** The amendment was adopted, and the subparagraph was adopted as amended.

3.5.2. Maternity protection

Paragraph 68

638. The paragraph was adopted without change.

Paragraph 69

639. The introductory phrase was adopted without change.

Subparagraph 69(a)

640. The Employer Vice-Chairperson stated that, consistent with their view on paragraph 67(d), they proposed to replace “in NSFE” by “in any type of employment contract”.

641. The Worker spokesperson observed that the Maternity Protection Convention, 2000 (No. 183), applied to all employed women, including those in NSFE. It was illogical to remove the reference.

642. In view of time constraints, the Employer Vice-Chairperson withdrew the amendment.

643. The subparagraph was adopted without change.

Subparagraph 69(b)

644. The Employer Vice-Chairperson requested that the Spanish and French texts be brought closer into line with the English.

645. The subparagraph was adopted without change.

Subparagraph 69(c)

646. The subparagraph was adopted without change.

Subparagraph 69(d)

647. The Government Vice-Chairperson sought clarification on the meaning of the term “practical family-friendly workplace measures”.

648. The Secretary-General explained that the phrase referred to such arrangements as teleworking, day care, flexible hours of work.

649. The subparagraph was adopted without change.

Subparagraph 69(e)

650. The Employer Vice-Chairperson proposed that the subparagraph be amended to refer to both maternity and paternity benefits.

651. The Worker spokesperson observed that the section only concerned maternity protection.

652. The Government Vice-Chairperson observed that paternity benefits worked to assist mothers. He also proposed that “general taxation or social security” be replaced by “social security or other measures”.

653. Both amendments were adopted, and the subparagraph was adopted as amended.

Subparagraph 69(f)

654. The subparagraph was adopted without change.

3.5.3. Working conditions

Paragraph 70

655. The Employer Vice-Chairperson proposed deleting the entire paragraph. Its source was unclear. The draft paragraph was unacceptable in its present form, since while the sector did not lack problems, several of those described were not specific to the sector, or were not real problems: vacations, for example, were negotiated, and had to take account of the seasonal nature of the sector.
656. The Worker spokesperson preferred to retain the original text, which was true. Could the secretariat state the source?
657. The Government Vice-Chairperson preferred to retain the original text, but proposed that “irregular” in the second line be replaced by “flexible”.
658. The Secretary-General explained that the text had several main sources, including the ILO issues paper for discussion at the Global Dialogue Forum on Developments and Challenges in the Hospitality and Tourism sector of 2010; the ILOSTAT database; the ILO working paper *International Perspectives on Women and Work in Hotels, Catering and Tourism* and the European Foundation for the Improvement of Living and Working Conditions (Eurofound) reports from 2004 on the *EU hotel and restaurant sector: Work and employment conditions* and from 2012 on *Employment and industrial relations in the hotels and restaurants sector*.
659. The Employer secretary observed that the sources were not all agreed text.
660. The Worker secretary expressed concern at the apparent desire to remove a general description of the main problems surrounding working conditions in the sector.
661. The Government Vice-Chairperson preferred the original text, with some improvement of the first sentence.
662. The Employer secretary proposed a new text to replace the paragraph as a whole, taking account of the observations made: “While irregular working hours can offer options for tourism workers to better balance work and private life, in some cases they can also have health consequences, leading to a deterioration in the quality of service and of motivation. This may particularly affect workers with family responsibilities.”
663. The Worker spokesperson observed that this meant removing the reference to long working hours.
664. The Employer Vice-Chairperson observed that working hours were a matter for agreement.
665. The Chairperson proposed that nevertheless fatigue resulting from long working hours was still a problem for workers.
666. The Employer Vice-Chairperson observed that such concepts were not clearly defined. All countries had legislation and regulations on working hours, and the text already implicitly called for their application.

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- 667.** The Worker spokesperson remarked that not all countries had adequate regulations on this issue, and some countries still had none.
- 668.** The Government Vice-Chairperson observed that guidelines were not legally binding. A reference to international labour standards on hours of work might be appropriate. Some flexibility was expected from the Employers on this issue.
- 669.** The Employer Vice-Chairperson countered that ultimately what was at issue here were national legislation and regulations.
- 670.** In view of the time constraints, however, the Worker spokesperson accepted the new text proposed, on condition that paragraph 73(f) retain a reference to “regular breaks”.
- 671.** The Employer Vice-Chairperson rejected the idea of bargaining text. Each paragraph should be assessed on its merits.
- 672.** The paragraph was adopted as amended by the Employer secretary.

Paragraph 71

- 673.** The Employer Vice-Chairperson proposed deleting the entire paragraph, since the sources were not tripartite validated documents.
- 674.** The Worker spokesperson proposed to add “on-the-job trainees” after “young workers” in the first line.
- 675.** The Government Vice-Chairperson preferred to retain the original text.
- 676.** The Employer Vice-Chairperson accordingly proposed that, if the text was retained, the phrase “In some cases” be added at the beginning of the paragraph. This amendment was adopted.
- 677.** The Employer Vice-Chairperson proposed that “frequently” be replaced by “could” to make the text more neutral. This proposal was adopted.
- 678.** The Worker spokesperson withdrew her amendment in view of time constraints.
- 679.** The paragraph was adopted as amended.

Paragraph 72

- 680.** The Employer Vice-Chairperson proposed deleting the entire sentence concerning Convention No. 172 for reasons explained earlier, and consequently also to delete “It also stresses that” in the last sentence.
- 681.** The Government Vice-Chairperson observed that some governments had misgivings about the reference to Convention No. 172.
- 682.** The Secretary-General observed that it would probably seem strange to many, in a set of ILO guidelines on the tourism sector, not to refer to the only ILO instrument on the subject.
- 683.** The expert from the Government of Chile noted that section 3.4 already covered “Implementing international labour standards and enforcing compliance with laws and regulations”.

684. It was agreed that, with the exception of paragraph 8, all references to Convention No. 172 and Recommendation No. 179, be removed from the text, but the references to them in the appendix would be retained.

685. The paragraph was adopted as amended.

Working time

Paragraph 73

686. The Employer Vice-Chairperson proposed to delete the second and third sentences of the introductory phrase.

687. The Government Vice-Chairperson preferred the original text.

688. The Worker spokesperson opposed the amendment, which would remove an important fact. There was no mention of wage differentials or of low wages, both of which were a problem, especially in NSFE.

689. The Chairperson observed that subparagraph (e) covered low wages.

690. The Worker spokesperson proposed to retain the first sentence, but to replace the second and third sentences by the following:

Long working hours and working-time arrangements such as variable and unpredictable hours are frequent in tourism businesses, and particularly those working in the housekeeping departments (accommodation) and due to quota systems to respond to customer's demands. These can heighten fatigue levels in workers and make it more difficult for them to find a work-life balance, and can contribute to other health problems.

691. The Government Vice-Chairperson felt the introductory phrase should be neutral and avoid an overly negative description.

692. The Employer Vice-Chairperson reiterated their view that working hours were a matter for negotiation.

693. The Employer secretary proposed a compromise text for the second and third sentences, as follows: "Certain working-time arrangements such as variable hours are frequent in tourism businesses to respond to customer's demands. These can make it more difficult for workers to find a work-life balance."

694. In view of time constraints, the Worker spokesperson accepted the proposal.

695. This amendment was adopted, and the introductory phrase was adopted as amended.

Subparagraph 73(a)

696. The subparagraph was adopted without change.

New subparagraph

697. The Worker spokesperson proposed a new subparagraph to follow (a), to read: "Ensuring that, where there is no transport available, transport is provided between workers' places of residence and the workplace at the beginning and at the end of their shift when working at night or during early or late hours".

698. The Employer Vice-Chairperson opposed the amendment: public transport was the responsibility of local authorities and private services. It was not for employers to provide it. Workers were free to decide where to work and could decide for themselves if the travel implications presented a problem.

699. The amendment was withdrawn in view of time constraints.

Subparagraphs 73(b) and (c)

700. The subparagraphs were adopted without change.

Subparagraph 73(d)

701. The reference to “and trade unions” was deleted in accordance with the global amendment adopted.

Subparagraph 73(e)

702. The subparagraph was adopted without change.

Subparagraph 73(f)

703. The Employer Vice-Chairperson considered that the issue addressed was already implicitly covered by subparagraph (d), and proposed deleting the subparagraph (f).

704. The Worker spokesperson preferred to retain the original text, and proposed to add “Providing regular breaks during daily shifts” at the end of the subparagraph.

705. The Government Vice-Chairperson stated that the reference to Recommendation No. 179 was sufficient in itself: there was no need to repeat its provisions verbatim.

706. The Employer expert from Zambia observed that the tourism sector had many unusual working hour agreements, such as those in Zambia where workers worked in residence at remote hunting lodges for three weeks at a time.

707. The Employer Vice-Chairperson considered that, as regards the Workers’ amendment, breaks were a matter for negotiation between employers and workers. The issue addressed in the subparagraph as a whole here concerned partly the scope of the guidelines. The wording should be more generally applicable: a reference to national legislation might therefore be useful.

708. The Chairperson observed that the text must be approached in the light of the introductory phrase, and proposed the following: after “weekly rest” in the second line, replace “of not less than an uninterrupted period of 36 hours” by “in accordance with national laws and regulations”, delete the reference to Recommendation No. 179, and withdraw the Workers’ amendment to add a final sentence on shifts, as these were covered by national laws.

709. The Worker spokesperson asked what would happen where a country lacked regulations on daily or weekly rest.

710. The Government Vice-Chairperson observed that the Guidelines were not required to address each and every country’s needs in full. National law was useful; where it was inadequate, the reference to international labour standards should suffice. He therefore proposed to subamend the amendment by the Chairperson as follows: “... rest in accordance with international labour standards and applicable national laws and regulations.”

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- 711.** The Worker spokesperson further subamended the amendment to include a reference to collective agreements - negotiated at the company level. It would read “in accordance with international labour standards, national laws and regulations and/or collective agreements”.
- 712.** The Employer Vice-Chairperson considered that a reference to national legislation was adequate.
- 713.** The Worker spokesperson reiterated the argument of the Government Vice-Chairperson that in the absence of adequate national regulations, international labour standards were applicable to guide the enterprises at the local level.
- 714.** The Chairperson further proposed to add the words “as applicable” at the end of the new wording.
- 715.** The Employer Vice-Chairperson supported this proposal.
- 716.** The subparagraph was adopted as so amended.

Subparagraph 73(g)

- 717.** The Worker spokesperson proposed to add a new sentence at the end: “Providing meal breaks in the middle of shifts to allow for proper nutrition and health promotion.”
- 718.** The Employer Vice-Chairperson reiterated that breaks were a matter for negotiation between employers and workers.
- 719.** The Government Vice-Chairperson preferred the original text.
- 720.** The amendment was withdrawn, and the subparagraph was adopted without change.

Wages

Paragraph 74

- 721.** The Employer Vice-Chairperson proposed the deletion of the first sentence in the introductory phrase, and of “Furthermore”, since the issue was addressed in paragraph 73(e). In view of the agreed change to paragraph 66, it would also be logical to delete the second sentence in full.
- 722.** The Worker spokesperson asked the secretariat to provide the source of the statement.
- 723.** The Secretary-General replied that it was taken from statistics in the ILOSTAT database.
- 724.** The amendment was adopted.
- 725.** The Worker spokesperson proposed that, in view of the failure to make a reference to wage differentials in paragraph 73, it would be appropriate to do so here, and proposed an amendment to add “of wage differentials and” after “In addressing the issue”. This amendment was adopted.
- 726.** The amendment was adopted as subamended.

Subparagraph 74(a)

- 727.** The Employer Vice-Chairperson proposed the deletion of the words “in accordance with the Minimum Wage Fixing Convention, 1970 (No. 131)”.

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- 728.** The Government Vice-Chairperson observed that Convention No. 131, was a major Convention and was ratified by many member States. The reference should be retained.
- 729.** The Employer secretary observed that Convention No. 131 had been ratified by only 53 of the 187 ILO member States. In view of the problems surrounding the Convention, he also proposed to remove the reference to it in the appendix.
- 730.** The Worker Vice-Chairperson regretted the position taken by the Employers, who seemed to seek the removal of all references to international labour standards.
- 731.** The Employer secretary stressed that the Employers only sought the removal of references to instruments that they did not support.
- 732.** The Employer secretary reiterated that in the text of the guidelines themselves the spirit of Convention No. 131 would be retained. That Convention presented a cross-sectoral problem for the Employers. Recent agreement on the revision of the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), had resulted in the removal of the reference to Convention No. 131 in the appendix to the MNE Declaration. For the same reason, the Workers should also accept such deletion in the appendix to the guidelines.
- 733.** The Government Vice-Chairperson agreed that the reference to Convention No. 131 be removed, but the text should embody its agreed principles: it was after all desirable to promote international labour standards in ILO texts.
- 734.** The Worker Vice-Chairperson agreed with the proposal by the Government Vice-Chairperson.
- 735.** The Chairperson noted that the Workers accepted the deletion of the reference to Convention No. 131 from the appendix. It was so decided.
- 736.** The subparagraph was adopted as amended.

Subparagraph 74(b)

- 737.** The Worker Vice-Chairperson proposed to add “risk and hazards” after “long-term service” in the last line.
- 738.** The Employer Vice-Chairperson queried the meaning of the term. The Government Vice-Chairperson preferred the original text.
- 739.** The amendment was withdrawn, and the subparagraph was adopted without change.

Subparagraph 74(c)

- 740.** The Employer Vice-Chairperson considered that the reference to “and regardless of tips” was inappropriate, since in some countries, such as Argentina, tipping was banned by collective agreement and a standard service charge was applied instead.
- 741.** The Worker Vice-Chairperson stated that this did not apply to all countries, but proposed to accommodate the distinction raised by adding “and service charges” after both occurrences of “tips”.
- 742.** The Government Vice-Chairperson noted that tipping was widespread in many countries, and that Convention No. 172 was flexible in this respect. He appealed to both authors to withdraw their amendments.

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- 743.** The Worker expert from the Philippines preferred the original text: laws on tipping and service charges were a matter for national determination.
- 744.** The Secretary-General observed that Article 6(2) of Convention No. 172, stated “Regardless of tips, the workers concerned shall receive a basic remuneration that is paid at regular intervals.”
- 745.** The Chairperson proposed that, in the absence of withdrawal, the phrase “where permitted” be added at the end of the Workers’ amendment and the references to “service charges” be withdrawn.
- 746.** The Worker Vice-Chairperson agreed to this subamendment.
- 747.** The subparagraph was adopted as so amended. The reference to Convention No. 172 was removed in accordance with the global amendment above.

Subparagraph 74(d)

- 748.** The subparagraph was adopted without change.

Occupational safety and health

Paragraph 75

- 749.** The Employer Vice-Chairperson proposed to delete the last sentence of the paragraph.
- 750.** The Worker spokesperson proposed to replace the paragraph by the following text:

Risks that exist in the tourism sector include: safety (cuts, burns, slips, trips and falls); biological (needle-stick injuries that may result in HIV exposure); chemical (contact with toxic substances); physical (temperature, ventilation) and ergonomic stemming from physically demanding work activities such as awkward and extreme postures (twisting, extended reaches); forceful exertions (heavy and repeated lifting, pushing or pulling); and repeated movements that are associated with chronic pain and musculoskeletal disorder (MSD) injuries. Worker disability and loss of income and employer loss of productivity may result from such risks. In the tourism sector there also exist psychological risks which may result in stress and violence.

The last sentence was adapted from the ILO working paper *Violence at work in hotels, catering and tourism*. The amendment sought to simplify the text while raising the main OSH issues. OSH should also be added to the list of abbreviations and acronyms in the English version.

- 751.** The Government Vice-Chairperson expressed doubts about the reference to biological risks; several government officials had also suggested removing the reference to HIV and AIDS, since the original text covered the key issues.
- 752.** The Worker spokesperson agreed to withdraw her proposal in the interests of time, provided that the last sentence of the original draft was retained.
- 753.** The Employer expert from Zambia proposed to include “through needle-stick injury” at the end of the last sentence for clarification.
- 754.** The Worker spokesperson proposed to reformulate the last sentence as follows: “In addition, some tourism workers may be at particular risk of exposure to HIV and AIDS through, for example, needle-stick injury.” This amendment was adopted.

755. Paragraph 75 was adopted as amended.

Paragraph 76

756. The Worker spokesperson proposed to insert “and preventing” after “Identifying” in the second line; to delete “to them” and adding “to protect workers’ health and future well-being” after “importance”. The rest of the second sentence giving examples could then be deleted, and “by governments and social partners” should be added to the end of the introductory phrase.

757. The Employer Vice-Chairperson preferred wording that focused on the specific risks and hazards that had serious negative effects on workers.

758. The Government Vice-Chairperson accepted the proposed amendment.

759. The Employer Vice-Chairperson agreed to remove the list of examples.

760. The introductory phrase was adopted as amended.

Subparagraph 76(a)

761. The Worker spokesperson proposed to add “with the latter involving the participation of workers’ representatives”, following “inspection systems” in order to strengthen the text.

762. The Employer Vice-Chairperson stated that adding the reference to workers’ representatives was not appropriate, as laws governed how inspections were carried out.

763. The Government Vice-Chairperson preferred the original text. Regarding the amendment, the nature of labour inspection did not normally allow for the participation of workers. In this case, the standards in the Labour Inspection Convention, 1947 (No. 81), should be followed.

764. The Worker spokesperson agreed to withdraw her proposal in view of the explanation by the Governments.

765. Subparagraph 76(a) was adopted without change.

Subparagraph 76(b)

766. The Worker spokesperson proposed adding “safety, biological, chemical” prior to “physical” and “psychological”, in order to align it with paragraph 75.

767. The Employer Vice-Chairperson stated that the original text was clear and did not accept the amendment.

768. The Government Vice-Chairperson had no objections to the original text, but accepted the proposal by the Workers as it reflected earlier paragraphs.

769. The Chairperson stated that the list provided by the Workers was different from the adopted text in paragraph 75.

770. The Worker spokesperson withdrew the amendment.

771. Subparagraph 76(b) was adopted without change.

Subparagraphs 76(c) and (d)

772. Subparagraphs 76(c) and (d) were adopted without change.

Subparagraph 76(e)

773. The Government Vice-Chairperson stated that some governments supported the reference to LGBTI persons, others had opposed it. They proposed that it should be deleted, as it had been in paragraph 55.

774. The Employer Vice-Chairperson accepted the proposed change.

775. The Worker spokesperson adopted the amendment, but regretted the apparent discrimination against LGBTI people.

776. The Chairperson asked the Office to reflect the previous decision on such wording.

777. It was agreed that the second sentence would accordingly read as follows: “Special attention should also be given to people and groups that are vulnerable to discrimination and more likely to be victims of violence and harassment than other workers in the sector.”

778. Subparagraph 76(e) was adopted as amended.

Subparagraphs 76(f), (g) and (h)

779. Subparagraphs 76(f), (g), and (h) were adopted without change.

Paragraph 77

Introductory phrase and subparagraph 77(a)

780. In the introductory phrase the Worker spokesperson proposed to add “and” following “workers”; to delete “and trade unions”; and to replace “aim at” by “prioritize the following in accordance with the ILO Occupational Safety and Health Convention, 1981 (No. 155).”

781. In subparagraph (a), the Worker spokesperson proposed to delete “and trade unions”; to add, after “OSH regulations”, the phrase “and thereby lower injury, illness and fatality rates, and reduce the occurrence of incidents and calamities”; and delete from “and trade unions to guarantee” to the end of the subparagraph. The reference to Convention No. 155 in the introductory phrase would then apply to all the subparagraphs.

782. The Employer Vice-Chairperson supported these amendments.

783. The expert from the Government of Zambia proposed a subamendment to change “incidents” to “accidents”.

784. The subamendment was adopted. The introductory phrase and subparagraph 77(a) were adopted as amended.

Subparagraph 77(b)

785. The subparagraph was adopted without change.

Subparagraph 77(c)

- 786.** The Employer Vice-Chairperson proposed adding the phrase “in accordance with national laws and practice and/or collective bargaining agreements” to the end of the first bullet point.
- 787.** The Worker spokesperson proposed inserting the phrase “injuries, illnesses, fatalities” following “incidence of” and to replace “diseases” with “calamities” in the first bullet; adding a new bullet following the first, to read as follows: “the identification and provision of proper tools and equipment to perform the job safely”; adding, in the original second bullet, following “OSH”: “for workers at all levels of the enterprise”; and adding a new bullet at the end of the paragraph: “establishing musculoskeletal hazard control programmes in the tourism sector to decrease the possibility of permanent disability from chronic pain and musculoskeletal disorder injuries by identifying interventions (telescopic long-handled cleaning tools, adjustable-height work tables) and redesigning workplaces to consider ergonomic risks during renovation and upgrades in the tourism sector - for example hotels, restaurants and cafeterias.”
- 788.** The Employer Vice-Chairperson considered that the level of specificity proposed by the Workers was unnecessary. The guidelines were intended to be general. Such a level of detail was more appropriate to individual negotiations.
- 789.** The Government Vice-Chairperson supported the original text and the amendment by the Employers’ group. The amendments proposed by the Workers should not be addressed at this stage: the main ideas were already covered in the text and such detail was not needed. National circumstances would vary.
- 790.** The Worker spokesperson asked whether the Employers preferred the original.
- 791.** The Employer Vice-Chairperson replied that the Employers supported the original text. However, in view of time constraints, the Workers’ amendment was acceptable, except for the new bullet, if the Employer’s amendment was also accepted. This proposal was adopted.
- 792.** The subparagraph was adopted as so amended.

3.6. Promoting effective social dialogue

Paragraph 78

- 793.** Paragraph 78 was adopted without change.

Paragraph 79

- 794.** The Employer Vice-Chairperson considered that the text needed to be rephrased, since it did not clearly distinguish between social dialogue at the national and enterprise level, and requested advice from the secretariat on how to do so. Social dialogue was an important tool that covered a wide range of issues and promoted transparency. Therefore, the second sentence should read: “Consequently, social dialogue is an important tool in any industry, including tourism.” The Employer secretary also proposed to delete the words “between government, employers, and workers on issues of common interest”. The paragraph would then read: “Social dialogue includes all types of negotiation, consultation and exchange of information. Consequently, social dialogue is an important tool in any industry, including tourism.”
- 795.** The Worker spokesperson and the Government Vice-Chairperson preferred the original text, but in the interests of time accepted the amendment.

796. The paragraph was adopted as amended.

Paragraph 80

797. The paragraph was adopted without change.

Paragraph 81

798. The Worker spokesperson proposed to insert, after the term “SMEs” in the second sentence, the phrase, “the fragmentation of the industry through outsourcing, and disguised employment relationships”.

799. The Employer Vice-Chairperson proposed deleting the last sentence. In view of the Workers’ amendment, the Employers’ group would reconsider.

800. The Worker spokesperson withdrew her amendment in order to save time and reach an agreement on the full text by the end of the Meeting.

801. Paragraph 81 was adopted without change.

Paragraph 82

802. The introductory phrase was adopted without change.

Subparagraph 82(a)

803. The Employer Vice-Chairperson requested clarification on subparagraph (a) and the phrase “at all levels”, and asked whether those levels would be in accordance with collective bargaining agreements. If this phrase was retained, there was no need to provide the examples.

804. The Chairperson explained that the draft text referred to the level of the undertaking.

805. The Worker spokesperson disagreed with the amendment, since dialogue was needed in many forms, including collective bargaining.

806. The Government Vice-Chairperson favoured retaining the examples. The SDGs were elements of national goals. The words in brackets at the end of each bullet point should be deleted: the examples were not exhaustive. This last amendment was adopted.

807. The Employer Vice-Chairperson agreed to retain the examples, although they could limit the scope, and proposed to amend the introductory phrase to read: “at appropriate levels”.

808. The Worker secretary accepted the amendment by the Employers.

809. The subparagraph was adopted as amended.

Subparagraph 82(b)

810. The Employer Vice-Chairperson stated that the subparagraph referred to collective bargaining at the national level, and proposed its deletion; the phrase “collective bargaining” should be replaced by “social dialogue”.

811. The Employer secretary proposed to replace the word “enterprise” with the word “local”, since “enterprise level” was vague: was it national, or international, or both?

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- 812.** The Worker expert from the Philippines expressed concern that the Employers had attempted to eliminate references to collective bargaining several times. The introductory phrase ended with “should aim at”, and did not therefore compel employers to engage in collective bargaining.
- 813.** The Employer secretary agreed to withdraw his amendment provided that the amendment to replace “enterprise” by “local” was adopted.
- 814.** The Government Vice-Chairperson agreed with the amendment proposed by the Employer secretary.
- 815.** The Worker spokesperson asked if the local level meant local enterprises.
- 816.** The Employer secretary stated that it could mean plant or factory.
- 817.** The Worker spokesperson stated that this could hinder the possibility of collective bargaining with the employer where the local enterprise was a franchise of the company.
- 818.** The Secretary-General explained that official language used in the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94), was “at the level of the undertaking”.
- 819.** The Government Vice-Chairperson accepted the proposal by the Office: the wording did not concern cross-border social dialogue.
- 820.** The Worker spokesperson agreed with the words “at the level of the undertaking” instead of “local” or “enterprise”, but either the words “local enterprise” or the language suggested by the Office was acceptable.
- 821.** The subparagraph was adopted as amended to read: “Engaging in collective bargaining at the national, sectoral and local enterprise level between an employer, a group of employers or one or more employers’ organizations, on the one hand, and one or more workers’ organizations, on the other”.

Subparagraph 82(c)

- 822.** The Employer Vice-Chairperson proposed an amendment to delete the words “and economic units in the informal economy”. No such units existed with any official status.
- 823.** The Worker spokesperson expressed concern about removing references to the informal economy, work with which was needed to promote formal employment. If the deletion was accepted, the reference should be to “all workers”. This proposal was adopted.
- 824.** The amendment was adopted as subamended.

Subparagraph 82(d)

- 825.** The subparagraph was adopted without change.

Paragraph 83

Introductory phrase and subparagraphs 83(a), (b), (c) and (d)

- 826.** The introductory phrase and subparagraphs were adopted without change.

Subparagraph 83(e)

- 827.** The Employer secretary proposed to delete the item since it implied the possibility of international collective bargaining.
- 828.** The Chairperson referred to the recent revision of the MNE Declaration, which would cover this issue.
- 829.** The amendment was adopted.

Subparagraphs 83(f) and (g)

- 830.** The subparagraphs were adopted without change.

Appendix and Bibliography

- 831.** It was agreed to include a reference to Convention No. 172 in the appendix, and to delete the reference to Convention No. 131.
- 832.** It was agreed to move the reference to the Protocol of 2014 to the Forced Labour Convention, 1930 to the first section on fundamental Conventions; and, to include a reference to the guidelines adopted by the Tripartite Meeting of Experts to Develop Guidance on Fair Recruitment (2016).

Adoption of the Guidelines as a whole

- 833.** The text of the guidelines was adopted as a whole.

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Representatives of United Nations, specialized agencies
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Représentants des Nations Unies, des institutions spécialisées
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International Organization for Migration (IOM)
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International Trade Center (ITC)
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United Nations World Tourism Organization (UNWTO)
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Representatives of non-governmental international organizations
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International Hotel and Restaurant Association (IH&RA)
Association internationale de l'hôtellerie et de la restauration (IHRA)
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**International Union of Food, Agricultural, Hotel, Restaurant, Catering,
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**Union internationale des travailleurs de l'alimentation, de l'agriculture,
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International Organisation of Employers (IOE)
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