

**Ο περί της Συμβάσεως (Αρ. 172) για τους Όρους Εργασίας στα Ξενοδοχεία, Εστιατόρια και Παρόμοιες Επιχειρήσεις (Κυρωτικός) Νόμος του 1997, εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.**

Αριθμός 7(ΙΙΙ) του 1997

ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΣΥΜΒΑΣΗ (ΑΡ. 172)  
ΓΙΑ ΤΟΥΣ ΟΡΟΥΣ ΕΡΓΑΣΙΑΣ ΣΤΑ ΞΕΝΟΔΟΧΕΙΑ, ΕΣΤΙΑΤΟΡΙΑ  
ΚΑΙ ΠΑΡΟΜΟΙΕΣ ΕΠΙΧΕΙΡΗΣΕΙΣ

Η Βουλή των Αντιπροσώπων ψηφίζει τα ακόλουθα:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Συμβάσεως (Αρ. 172) για τους Όρους Εργασίας στα Ξενοδοχεία, Εστιατόρια και Παρόμοιες Επιχειρήσεις (Κυρωτικός) Νόμος του 1997. Συνοπτικός  
τίτλος.

2. Στον παρόντα Νόμο, εκτός αν από το κείμενο προκύπτει διαφορετική Ερμηνεία.  
έννοια—

“Σύμβαση” σημαίνει τη Σύμβαση (Αρ. 172) για τους Όρους Εργασίας στα Ξενοδοχεία, Εστιατόρια και Παρόμοιες Επιχειρήσεις, η οποία υιοθετήθηκε κατά την 78η Σύνοδο της Γενικής Συνδιάσκεψης του Διεθνούς Γραφείου Εργασίας, που συνήλθε στις 25 Ιουνίου 1991 στη Γενεύη.

3. Με τον παρόντα Νόμο κυρώνεται η Σύμβαση, της οποίας το κείμενο στο αγγλικό πρωτότυπο εκτίθεται στο Μέρος Ι του Πίνακα και σε ελληνική μετάφραση στο Μέρος ΙΙ αυτού: Κύρωση  
της Σύμβασης.  
Πίνακας,  
Μέρος Ι,  
Μέρος ΙΙ.

Νοείται ότι, σε περίπτωση αντίφασης μεταξύ του κειμένου του Μέρους Ι και εκείνου του Μέρους ΙΙ του Πίνακα, υπερισχύει το κείμενο που εκτίθεται στο Μέρος Ι.

## ΠΙΝΑΚΑΣ

(άρθρο 3)

## ΜΕΡΟΣ Ι

## (CONVENTION 172)

CONVENTION CONCERNING WORKING CONDITIONS IN HOTELS, RESTAURANTS  
AND SIMILAR ESTABLISHMENTS

The General Conference of the International Labour Organisation;

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 78th Session on 5 June, 1991; and

Recalling that International Labour Conventions and Recommendations laying down standards of general application concerning working conditions are applicable to workers in hotels, restaurants and similar establishments; and

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

Noting that collective bargaining is an effective means of determining conditions of work in this sector; and

Considering that the adoption of a Convention together with collective bargaining will enhance working conditions, career prospects and job security to the benefit of the workers; and

Having decided upon the adoption of certain proposals with regard to working conditions in hotels, restaurants and similar establishments, which is the fourth item on the agenda of the session; and

Having determined that these proposals shall take the form of an international Convention; adopts this twenty-fifth day of June of the year one thousand nine hundred and ninety-one the following Convention, which may be cited as the Working Conditions (Hotels and Restaurants) Convention, 1991:

## Article 1

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

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

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

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

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

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

#### Article 2

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

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

#### Article 3

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

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

#### Article 4

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

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

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

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

#### Article 5

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

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

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

Article 6

1. The term "tip" means an amount of money given voluntarily to the worker by a customer, in addition to the amount which the customer has to pay for the services received.
2. Regardless of tips the workers concerned shall receive a basic remuneration that is paid at regular intervals.

Article 7

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

Article 8

1. The provisions of this Convention may be applied by or through national laws or regulations collective agreements arbitration awards or judicial decisions or in any other appropriate manner consistent with national practice.
2. For the Members where the provisions of this Convention are matters normally left to agreements between employers or employer's organisations and workers' organisations or are normally carried out otherwise than by law compliance with those provisions shall be treated as effective if they are applied through such agreements or other means to the great majority of the workers concerned.

Article 9

The formal ratification of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 11

1. A Member which has ratified this Convention may denounce in after the expiration of ten years from the date on which the Convention first comes into force by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not within the year following the expiration of the period of ten years mentioned in the preceding paragraph exercise the right of denunciation provided for in this Article will be bound for another period of ten years and thereafter may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.