

No. 31173

MULTILATERAL

Convention (No. 172) concerning working conditions in hotels, restaurants and similar establishments. Adopted by the General Conference of the International Labour Organisation at its seventy-eighth session, Geneva, 25 June 1991

Authentic texts: English and French.

Registered by the International Labour Organisation on 25 August 1994.

MULTILATÉRAL

Convention (N° 172) concernant les conditions de travail dans les hôtels, restaurants et établissements similaires. Adoptée par la Conférence générale de l'Organisation internationale du Travail à sa soixante-dix-huitième session, Genève, 25 juin 1991

Textes authentiques : anglais et français.

Enregistrée par l'Organisation internationale du Travail le 25 août 1994.

CONVENTION¹ 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:

¹ Came into force on 7 July 1994, i.e., 12 months after the ratification of two members of the International Labour Organisation had been registered with the Director-General of the International Labour Office, in accordance with article 10 (2):

Spain	7 June	1993
Mexico	7 July	1993

Subsequently, the Convention came into force, in respect of the following members of the International Labour Organisation, 12 months after the date on which their ratification had been registered, in accordance with article 10 (3):

<i>Participant</i>	<i>Date of registration of the instrument of ratification</i>	
Switzerland	15 February	1994
(With effect from 15 February 1995.)		
Austria	2 May	1994
(With effect from 2 May 1995.)		

Article 1

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

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

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

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

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

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

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.