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**FRANCE ET ITALIE**

**Traité de travail, signé à Rome le  
30 septembre 1919.**

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**FRANCE AND ITALY**

**Labour Treaty, signed at Rome, Sep-  
tember 30, 1919.**

<sup>1</sup> TRADUCTION — TRANSLATION.No. 133. — LABOUR TREATY<sup>2</sup> BETWEEN FRANCE AND ITALY, SIGNED AT ROME SEPTEMBER 30, 1919.

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*French official text communicated by the Ministry for Foreign Affairs of Italy. The registration of this Treaty took place on July 2, 1921.*

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Whereas HIS MAJESTY THE KING OF ITALY and THE PRESIDENT OF THE FRENCH REPUBLIC are desirous of regulating the emigration of workmen from and to their respective countries and of affording all facilities in their respective countries for the residence and settlement of immigrants who are nationals of the other State, and of establishing in as large a degree as possible equality of treatment between their own nationals and the nationals of the other State in respect of all laws bearing on social welfare, relief and employment, they have decided to conclude a treaty and have appointed as their plenipotentiaries for this purpose :

FOR HIS MAJESTY THE KING OF ITALY :

H. E. Baron Edmond MAYOR DES PLANCHES, H. M. Ambassador, Senator of the Kingdom and Commissionner General for Emigration,  
and Commander Giuseppe DE MICHELIS, Deputy Commissionner General for Emigration, and Director General for Employment and Unemployment in the Ministry of Industry and Labour.

FOR THE PRESIDENT OF THE FRENCH REPUBLIC :

H. E. M. CAMILLE BARRÈRE, Ambassador of the French Republic to H. M. the King of Italy, and  
M. Arthur FONTAINE, Councillor of State, and Director of the Ministry of Labour and Public Welfare,

who having exchanged their full powers, found in good and due form, have agreed upon the following terms :

*Article 1.*

The two Governments shall agree to afford every facility of an administrative nature to the nationals of either country who may desire to proceed to the other country with a view to employment.

Subject to such exceptions of a provisional nature as are provided in Article 4, and with a view to applying the laws and regulations of the respective countries of origin in such a way as to

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<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

<sup>2</sup> The exchange of ratifications took place at Paris on May 17, 1921.

provide the facilities which they are pledged to afford, by the terms of the preceding paragraph workmen of one country who are proceeding to the other country, either individually and of their own accord, or as the result of collective recruiting shall not require special authorisation for leaving their country, either for themselves or their families

These workmen and their families shall have full liberty to enter the other country without any authorisation, subject to such exceptions of a provisional nature as are provided in Article 4 ; the laws and regulations of the country to which they are proceeding shall be applied in such a way as to provide the facilities which the two countries are pledged to afford by the terms of paragraph 1 of the present Article.

*Article 2.*

The wages of immigrant workmen shall not be less than those which workmen who are nationals of the country, and who are of the same standard of efficiency, receive in the same trade for the same work ; or in cases where there are no workmen who are nationals of the country and of the same standard of efficiency employed in such a trade, the wages shall be on the same scale as those paid to workmen of the same standard of efficiency in the district.

The Government of the country to which the workmen proceed undertakes to see that, within its territory, the same wages shall be paid to immigrant workmen as are paid to its own nationals.

*Article 3.*

The immigrant workmen shall enjoy the same protection as is accorded to nationals by the laws and customs of the country, in all that relates to conditions of work and of livelihood.

All complaints of workmen of the other country in connection with the conditions of work and of livelihood which may be offered them by their employers, or with regard to difficulties of all kinds, shall, where such complaints entail action on the part of the authorities, be addressed or transmitted either directly or by diplomatic or consular channels to the competent authorities ; the authorities qualified for the purpose in the country to which the workmen proceed shall make the necessary enquiries and shall alone be competent to intervene.

Each Government may attach to its Embassy in the other country an Expert Adviser who shall be entrusted with the duty of dealing with labour questions and relations with the central competent authorities of the country in which the workmen of the other country are employed.

The two Governments shall grant facilities to these Attachés in the performance of their work.

*Article 4.*

In cases where conditions of the Labour Market may not at certain periods, in certain districts and in certain professions enable the individuals immigrating of their own accord in search of work to find employment, the Government concerned shall immediately inform the Government of the other country of this fact, through diplomatic channels, in order that the latter Government may take the necessary steps.

The two Governments shall if necessary discuss any subsidiary measures which might be taken in either of the two countries in connection with this matter.

*Article 5.*

The Governments of the two countries shall mutually undertake that workmen shall not be recruited collectively in either country in such numbers as to prejudice the economic development or the position of the workmen in the other country.

For this purpose they shall set up a Commission, which shall meet normally at Paris at least twice a year.

It shall be the special duty of their respective representatives :

1) To estimate approximately, for purposes of information, the number of workmen whom it would be possible to recruit and also the number of workmen whom it would appear desirable to recruit, up to the date of the next meeting ;

2) To indicate the districts to which the immigrant should, preferably, be directed and also the districts to which the immigrant workmen should not be directed, owing to the state of the Labour Market. For this purpose each State reserves the right to consult within its own territory the organisations of employers and workmen concerned.

#### Article 6.

In order to ensure the regular working of the administrative departments entrusted by the internal legislation of each country with the duty of assisting emigrants to cross the frontier, the competent authorities shall conclude agreements among themselves, as circumstances may require, while aiming as far as possible at a uniform application of their respective laws and regulations.

#### Article 7.

The Pensions System for workmen and labourers (including the special pensions for miners) which is in force in each of the two countries shall be applicable to the nationals of the other country, without prejudice to the rights which have been granted to the nationals of the country, and subject to the provisions, laid down below, with regard to the method of calculating and paying subsidies and bounties at the expense of the State.

The conditions laid down in this Article shall be applicable in the case of insured persons who shall demand and obtain their pensions after the date on which this Treaty comes in to force. They shall also be applicable to widows and orphans whose rights fall due after that date.

As regards the additional bounties and subsidies paid by the State, the following rules shall apply :

a) The payment periods (*périodes de versements*) and the similar periods established by law, in France or in Italy, shall be added together when determining claims to bounties.

b) Each of the two States shall establish the amount of the bounty to which the insured person is entitled, according to its own scale, its own law and the conditions of this law, for the whole of the period calculated as laid down in the preceding paragraph. It shall then decide what part of this pension it is liable for making deductions from the total which had been previously arrived at proportionate to the period by which it is affected.

The bounty due to the insured person is the sum of the portions of the bounty payable by each of the two states. Nevertheless, in cases where the total bounty thus calculated is less than the bounty which would be payable by one of the two States according to its own laws and by reason of single periods for which payment has been made (or of similar periods which have been passed within its own territory), the part of the bounty payable by the State in question shall be increased by the difference between the two amounts.

The above-mentioned rules are applicable to the payment of sickness pensions.

In case of decease, payment shall be due to the heirs of the insured person who has died, provided that the heirs lodge their claim within a period of six months dating from the decease. These payments shall be borne conjointly by the two countries in accordance with the principles laid down above with regard to bounties.

The agreements referred to in Article 24 shall lay down in detail the conditions under which the principles relating to bounties and payments shall be made.

The relations between the French and Italian authorities, the information which they shall mutually furnish in order to enable the insurance accounts of the other nationality to be verified both at the time when the pension is acquired, and at the time when the pension is paid, the measures

which shall be taken to facilitate, in accordance with the Franco-Italian Convention of April 15th, 1904, the payment in France by French Banks and postal authorities of pensions payable by Italian Banks, and vice-versa, shall be settled by the agreements provided for in Article 24.

*Article 8.*

The equality of treatment already arrived at with regard to compensation for accidents due to employment shall be confirmed by this treaty, and shall apply to any subsequent legislation which may be passed on this subject.

The same principles shall be extended, according to conditions to be established by special arrangements, to all laws which may subsequently be adopted for insurance against various risks such as sickness, disablement or unemployment.

*Article 9.*

The nationals of each State shall have the same rights and privileges in the territory of the other State as are enjoyed by the nationals of that State in all that concerns the acquisition, possession, and transfer of small rural and urban estates. This, however, shall not affect certain privileges which have been granted for war services, and shall be subject to the regulations which are laid down, in the interest of national security, in regard to certain zones and districts by the laws dealing with the residence and settlement of strangers.

*Article 10.*

Italian workmen and employers residing in France who have joined a French Mutual Aid Society shall be eligible for the board of directors, provided that the number of foreign directors shall not exceed one half, less one, of the total number of the members of the board.

Italian nationals residing in France who have joined a mutual aid society, which is approved and has been recognised as being of public utility, shall benefit by the subsidies granted by the State, for purposes of pensions, by means of individual pension books, and shall also have the right to pensions based on common funds.

The provisions of the two preceding paragraphs shall apply to French nationals in Italy

*Article 11.*

Subsidies to co-operative banks for insurance against unemployment and assistance from public funds for the unemployed, and from public institutions which provide relief work, shall be granted by each of the contracting States to the nationals of the other State.

*Article 12.*

Nationals of each of the two States who on account of physical or mental illness, of pregnancy or child-birth or for any other reason shall have need of assistance or of medical or any other aid whatsoever shall be treated in the territory of the other contracting State, either in their own homes or in hospitals, in accordance with the relief laws and in the same way as the nationals of the latter State.

Nationals of one of the two States shall be entitled when in the other State, to receive grants for their families, in the form of simple poor-relief, provided that their families are living with them in that State.

*Article 13.*

The expenses of relief undertaken by the State in which the persons concerned are residing shall in no case, whatever its cause or extent, be the subject of any claim for reimbursement on the part of the State or of the departments, provinces, communes or public institutions of the country of which these persons are nationals, in so far as the abovementioned relief is required owing to grave illness certified as such by the doctor in charge.

In other cases including relapses, claims for reimbursement may be entertained for the period after the first 45 days.

*Article 14.*

The State in which the persons reside shall continue to bear the expense of relief without reimbursement :

(1) in all cases of support afforded either in their own homes or in almshouses, to old, infirm, or incurable persons who have resided continuously for more than 15 years in the country where they are eligible for relief, pensions or for gratuitous residence in an almshouse. The above period shall be reduced by 5 years when it is a question of continuous disablement due to an industrial disease ; a list of these diseases shall be drawn up by one of the agreements provided for in Article 24.

(2) in all cases of sick persons, lunatics and other persons receiving relief who have resided in the country for more than 5 years. For purposes of treatment of illnesses, a workman who, during the abovementioned period, has resided in the country at least five consecutive months in each year shall be considered as having resided continuously.

With regard to children under sixteen years of age, it shall be sufficient for the father, mother, guardian, or person in charge to have fulfilled the conditions with regard to residence which have been laid down above.

*Article 15.*

In the case of persons receiving relief who do not fulfil the conditions regarding residence laid down in the preceding article, the domiciliary State shall be bound, after the expiration of a period of 45 days, and after having consulted the State of residence, either to repatriate the person in receipt of relief if he is fit to bear the journey, or else to refund the expenses for treatment which have been incurred by the State of residence, as it may think fit. Repatriation shall not be insisted upon when it is a case of special relief given to large families or to women in confinement.

*Article 16.*

In the agreement provided for in Article 24 the two Governments shall regulate the following points and shall decide on the detailed measures for their execution :

- (1) The procedure, conditions and method of repatriation, and
- (2) the method of ascertaining and estimating the period of continuous residence.

The information referred to in Article 15 as having to be furnished by the State of residence, shall be communicated to the authorities of the domiciliary State, who are indicated in this agreement, within the first 10 days of the period of 45 days, in default of which this period shall be extended by the length of the delay.

The two Governments undertake to see that whenever a body of workmen includes a large number of men of the other nationality, there shall be no lack of hospital accommodation and treatment for these workmen, if they should be sick or injured, or for their families.

Contributions which may be demanded from employers, or to which they may agree, for this purpose shall not be regarded as special taxes on foreign labour. Such taxes being prohibited by Article 21.

When medical treatment, either at home, in hospitals or infirmaries is provided by the employers at their own expense, the workmen shall be entitled to receive such treatment without being called on to make any reimbursement.

The reimbursements which are payable in virtue of Article 15, by the State in which the workmen reside, cannot be claimed when the said expenses are borne either voluntarily or by the terms of the contract, by the employer.

This shall also apply when the expenses have been paid by a Relief Society, or in any other way.

*Article 17.*

Societies for charity relief or assistance formed by Italians in France and by Frenchmen in Italy, and mixed societies, in either country, which have been founded and are conducted in accordance with the laws of the country, shall enjoy the rights and privileges which are granted to French and Italian Societies of the same kind.

*Article 18.*

Workmen and employers of either country shall be eligible to sit on conciliation and arbitration committees in connection with collective disputes between employers and workmen in which they are interested parties.

When Italian workmen in a mining undertaking appoint one of their comrades, employed in the same business as their delegate to state their demands with regard to conditions of work, either to the owners, the miners delegates, or the authorities entrusted with the duty of supervising the work, the above-mentioned French authorities shall afford this delegate every assistance in carrying out the mission with which he has been entrusted by his comrades. The same course shall be followed in regard to French miners in Italy.

*Article 19.*

When nationals of either of the two Contracting Parties are in the territory of the other, they shall enjoy equality of treatment with the nationals of the latter country in regard to the application of the laws which regulate the conditions of work, and provide for the health and safety of the workmen.

This equality of treatment shall also apply to all provisions which may in future be adopted in connection with the subject in either country.

*Article 20.*

The Committee, composed of French and Italian nationals, which is provided for in Article 9 of the Franco-Italian Convention<sup>1</sup> of June 15, 1910 for the Protection of Children and, if need be, of adult workmen, shall normally extend its protection to workmen of all ages—to Italians in France and to Frenchmen in Italy—residing in districts where workmen of the other State are employed in sufficiently large numbers. Its composition shall be henceforward as follows: (1) The Prefect, the Sub-Prefect or a Councillor of the Prefecture; (2) The Mayor of the Commune, or one of his Deputies; (3) The Inspector of Labour or his Deputy; (4) The Consul or his delegate; (5) The President of a Society belonging to the other country dealing with relief, education or assistance; and if such be not available, a national of the other country residing in the district; (6) One representative of the employers' associations, and one representative of the Trades Unions in the district; (7) One workman of each of the two nationalities.

<sup>1</sup> British and Foreign State Papers, Vol. 105, page 595.

*Article 21.*

Neither of the two Contracting States shall impose special rates or taxes on the nationals of the other State on account of their working within its territory.

The above provision shall not affect the stipulations of any laws and regulations dealing with general taxes on foreigners, and in particular those connected with the issue of " permis de séjour. " It shall not be interpreted as exempting the nationals of one of the Contracting States residing in the territory of the other State from paying any taxes whatsoever, at present or in the future, which may be imposed on the nationals of the State itself.

*Article 22.*

The principle of equality of treatment between the nationals of the two countries, with regard to admission to primary public schools and the establishment of private schools, has already been sufficiently guaranteed in both countries, by their respective education laws, and the two Governments reserve the right of negotiating a General Convention with regard to the education and to include therein all measures necessary for facilitating primary and professional instruction for immigrant workmen and their families.

*Article 23.*

The position of sailors, fishermen and in general all paid persons engaged in fishing and the merchant service, shall be regulated by one or more Special Conventions, framed in the same spirit as the present Treaty. The negotiations for this purpose shall be commenced not later than the end of the year which shall follow the ratification of this Treaty.

Nevertheless, it is henceforth agreed that a pension scheme, on the lines and conditions laid down in Article 7, shall form the subject of one of the regulations which are to be drawn up in accordance with the provisions of Article 24.

*Article 24.*

The competent authorities in the two countries shall decide, in agreement, on the detailed and routine measures, necessary for carrying out the provisions of this Convention, which may require co-operation of these authorities. They shall also decide in what cases, and under what conditions, the two authorities shall correspond directly with one another.

*Article 25.*

As the present Treaty is not necessarily applicable to the Colonies, possessions and protectorates, the two Governments undertake to commence negotiations if possible during the year following the ratification of this Treaty, with a view to concluding, as regards their respective Colonies, possessions and protectorates, one or more special Conventions which shall legislate for the points dealt with in this Treaty according to the same principles and in the same spirit.



*Article 26.*

The present Treaty shall be ratified and the ratifications shall be exchanged at Paris as soon as possible.

It shall come into force as soon as the ratifications have been exchanged.

It shall remain in force for a period of one year; it shall be automatically renewed from year to year unless denounced.

Denunciation must be notified three months before the expiration of any period.

All difficulties arising in connection with the application of this Treaty shall be dealt with through diplomatic channels.

Should it not be possible to arrive at a solution by this method, these difficulties shall be submitted at the request of one or other of the two parties to one or more arbitrators, whose duty it shall be to solve these difficulties according to the fundamental principles and the spirit of this Treaty.

A special arrangement shall regulate the establishment and the functions of the Court of Arbitration. Each party may for purposes of information consult one of the international bureaux or other organisations who may be authorised to deal with the matter. Their opinion may be asked for the same purpose by agreement among the arbitrators.

Done in duplicate at Rome, September 30, 1919.

(Signed) EDMONDO MAYOR DES PLANCHES.

(Signed) GIUSEPPE DE MICHELIS.

(Signed) CAMILLE BARRÈRE.

(Signed) ARTHUR FONTAINE.

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