

No. 716

NETHERLANDS
and
ITALY

Arrangement concerning the employment of Italian workers for underground work in the Netherlands mines (with annex and exchange of notes). Signed at Rome, on 4 December 1948

Official text: French.

Registered by the Netherlands on 13 February 1950.

PAYS-BAS
et
ITALIE

Arrangement relatif à l'engagement d'ouvriers italiens pour le travail de fond dans les mines néerlandaises (avec annexe et échange de notes). Signé à Rome, le 4 décembre 1948

Texte officiel français.

Enregistré par les Pays-Bas le 13 février 1950.

TRANSLATION — TRADUCTION

No. 716. ARRANGEMENT¹ BETWEEN THE NETHERLANDS AND ITALY CONCERNING THE EMPLOYMENT OF ITALIAN WORKERS FOR UNDERGROUND WORK IN NETHERLANDS MINES. SIGNED AT ROME, ON 4 DECEMBER 1948

Article 1

The Royal Netherlands Government and the Italian Government have concluded the following Arrangement concerning the employment of Italian workers as underground workers in Netherlands coal mines.

Article 2

Recruitment will be conducted by the Italian Government through the Ministry of Labour and Social Welfare, which will use its provincial offices for this purpose.

The final engagement of workers will be effected by a Netherlands Commission in the selection centres.

The Italian Government will do everything possible to facilitate the work of the Commission, and will place at its disposal, for the purpose of medical examination, the material and equipment available in the selection centres.

The Netherlands authorities will make known in advance the physical conditions which render workers unfit for work in Netherlands mines.

Article 3

The Netherlands mines will defray the travelling costs, from the selection centre to the Milan departure centre and from Milan to the Netherlands, of each engaged worker proceeding to the Netherlands.

All other expenses will be borne by the Italian authorities.

The Netherlands mines will pay to the Italian authorities in respect of each worker proceeding to the Netherlands a lump sum which shall be fixed by a special agreement between the Netherlands mines and the Italian authorities.

¹ Came into force on 4 December 1948, as from the date of signature, in accordance with article 14.

Article 4

An Italian worker will contract for underground work in the Netherlands mines by signing a contract the text of which will be drafted jointly by the Italian authorities and the Netherlands mines, in conformity with the principles laid down in the present Arrangement.

The contract will be valid for one year from the date of signature, and may by mutual consent be extended from year to year subject to two weeks' notice.

The contract shall state *inter alia* the nature and amount of any wage deductions to be provided for.

Article 5

Italian workers shall receive the same protection and treatment as Netherlands workers.

All regulations governing wages and other working conditions applicable to Netherlands workers will be extended to Italian workers.

Italian workers will be granted full equality of treatment with Netherlands workers in all matters relating to the application of the fiscal laws.

The Netherlands mines will extend to Italian workers the most favourable conditions accorded to workers of any other nationality employed in Netherlands mines.

The principles laid down in this Article will also apply to social insurance, which will not be deemed to include medical and pharmaceutical assistance to members of workers' families who have remained in Italy. With regard to these families a special arrangement, the text of which be drafted separately, will be concluded between the Italian authorities and the Netherlands mines.

Article 6

The Netherlands mines will house Italian workers in comfortable lodgings.

Italian workers will be separately housed in such lodgings from workers of other nationalities.

Article 7

In view of the housing shortage, the Netherlands mines will, as far as possible, employ single workers.

The employment of married workers will not be contemplated until sufficient houses are available.

Article 8

Married workers may transfer to Italy 50 per cent of their net wages.

Single workers who are family breadwinners may transfer 25 per cent of their net wages.

The mine authorities will transfer the full amount of all family allowances and children's bonuses to the beneficiaries.

Article 9

Net wages will be understood to mean total earned wages less taxes.

Article 10

The Royal Netherlands Government undertakes to ensure the regular transfer of any savings which Italian workers are able to send to Italy, and of family allowances, children's bonuses, pensions and compensation for industrial accidents or diseases, and invalidity, old-age and survivors pensions.

The procedures for such transfers shall be that provided in Article 4 of the provisional Italo-Netherlands Arrangement for the Regulation of Payments, concluded on 30 June 1948, or any other procedure agreed between the Italian Government and the Royal Netherlands Government.

If the aforesaid provisional Arrangement is denounced or modified, the Royal Netherlands Government undertakes to communicate with the Italian authorities immediately with a view to ensuring the regular transfer of the above-mentioned sums.

Article 11

Italian workers will be entitled to reside in the Netherlands only during the period of validity of their employment contracts.

If the contract is terminated for any cause whatsoever, the return travelling costs from the place of employment to the worker's home in Italy will be defrayed by the Netherlands employer, who will repatriate him at the earliest possible date.

Article 12

An employment permit issued to a worker admitted to the Netherlands under the present Arrangement will be valid only for work in the Netherlands mines and for the duration of the personal contract.

Article 13

The two Governments will appoint a Mixed Commission which will meet at The Hague or in Rome at the request of either Party.

The said Commission will be responsible for investigating and settling all general questions relating to the provisions of this Arrangement.

It will be composed of not more than three representatives of the Royal Netherlands Government and three representatives of the Italian Government.

Both Parties will be entitled to be assisted by experts.

Article 14

The present Arrangement will come into force on the date of its signature; it will be valid for a period of two years and will be tacitly extended from year to year unless denounced in writing by either Party three months before the date of expiry. The Arrangement will in any event remain in force for Italian workers recruited under its provisions.

DONE in Rome on 4 December 1948.

For the Royal Netherlands
Government :

W. VAN BYLANDT

For the Italian Government :

VIDAU

ANNEX

REGARDING THE APPLICATION OF THE ARRANGEMENT BETWEEN THE NETHERLANDS AND ITALY CONCERNING THE EMPLOYMENT OF ITALIAN WORKERS FOR UNDERGROUND WORK IN NETHERLANDS MINES

Article 1

Italian workers will, as far as possible, be dispatched and put to work in the Netherlands at the rate of 100 persons per month.

Article 2

Recruitment will be restricted to workers between 19 and 30 years old desirous of working in the Netherlands mines.

For experienced miners the Netherlands Commission may raise the age-limit to 35.

Article 3

The full medical examination will be conducted in Italy by medical officers of the Netherlands Selection Commission, and will also determine whether or not a worker may be admitted to the Miners' Pension Fund (AMF).

The Commission will be composed of officials representing the Netherlands authorities and the Netherlands mines, and of interpreters. A representative of the Italian Labour Office may take part in the work of selection.

The Italian Government will communicate to the workers all information furnished by the Netherlands mines on living and working conditions in the mines.

The Commission will be authorized to furnish such information to Italian workers in the Labour Offices and to submit to these Offices the names of workers desirous of working in the Netherlands mines. The Italian authorities will communicate to the Commission through the Netherlands Legation in Rome lists of candidates recruited.

The Italian authorities will convene the candidates for selection on a date which will be fixed in agreement with the Commission.

The Commission will ascertain the fitness for work of the workers as promptly as possible.

The Commission will communicate to the authorities lists of the workers accepted for employment in the Netherlands.

The form of these lists will be established by agreement.

Workers who are accepted will sign their contracts before leaving the selection centre for the Netherlands.

The forms necessary for recruitment will be provided by the Netherlands mines and will be drafted in the Dutch and Italian languages.

In communes where it is possible, and where there are Labour Offices, the Italian authorities undertake :

1. to make available suitable premises for medical examination ;
2. to make any necessary arrangements to enable blood tests to be performed (Meinicke reaction, Citrocoll reaction and blood sedimentation) ;
3. to make the necessary arrangements to provide for the X-ray examination and, where necessary, the X-ray photography of candidates for selection in the presence of the Netherlands medical officer ;
4. to make available suitable premises for the selection of the Italian workers in accordance with their trade competence. In order to facilitate its work, the Italian authorities will furnish the Selection Commission with a letter of introduction to the provincial authorities.

Article 4

Recruited workers must be in possession of at least six passport-size photographs, which must be a good likeness.

Before departure each married worker must be provided with an extract from the register of births and the register of families, stating the names and ages of all members of the family for whom he is responsible.

The extract from the family register must be brought up to date annually.

Every unmarried worker must be provided with an extract from the register of births and, if he has any dependants, with a declaration relating to them.

Every worker must be provided with an extract from his police record, and must give in writing the address of a member of his family.

On arrival in the Netherlands, every Italian worker will be paid the sum of 25 Netherlands florins in order to meet his initial expenses, such sum to be an advance on the bonus of 35 florins payable after twenty-five days of work.

Article 5

All regulations governing wages and working conditions will be drafted in agreement with the trade unions, or by a statutory representative organization.

Italian workers must undertake, equally with Netherlands workers, to perform all underground work in accordance with their aptitudes and the trade category in which they have been engaged.

Article 6

The Netherlands mines undertake to communicate to the Italian authorities, on their request, all changes in wages, bonuses, holidays, the family allowance system, social insurance and wage deductions, and all other information concerning the miners.

Article 7

The Netherlands mines where Italian workers are put to work will make all necessary arrangements to train the recruited workers in their trade. Workers will be given all necessary and relevant information on the fixing and payment of wages and claims. For this purpose competent interpreters will be available in each undertaking.

In addition, the labour regulations will be exhibited in the Italian language side by side with the original Dutch text.

Article 8

Italian workers proceeding to Italy for their paid holidays will be entitled to unpaid extra leave covering their travelling time.

Article 9

A worker will be entitled to terminate his contract before its expiry if the Netherlands mine in which he is employed fails to comply with terms of the present Arrangement or of his contract, or with labour regulations.

Article 10

The Netherlands mines may dismiss a worker in the following circumstances :

(a) if he is shown to have wilfully given in writing false information on his trade qualifications, state of health or civil status, or has wilfully withheld material information on these matters ;

(b) if after his engagement he is shown to be unfit for work in mines (by reason of anxiety, hysteria, a psychopathic condition, or epilepsy) ;

(c) if after he commences work he is found unfit for work for a very grave reason other than sickness ;

(d) if as a result of underground work he ceases to be fit for such work and will not accept surface work after favourable medical examination ;

(e) if he contracts a chronic disease not caused by work in the Netherlands mines, rendering him unfit for work ; but any right to monetary allowances of medical attention which he may have shall not be prejudiced ;

(f) if he deliberately renders himself unfit for underground or surface work in the Netherlands mines or refuses to undergo treatment prescribed by the Miners' Relief Fund with a view to preventing his invalidity ;

(g) if he breaks his contract without legitimate cause or is guilty of a grave violation of the terms of his contract.

Article 11

The present cost of full board and lodging in miners' hostels is 1.40 florins per day.

Workers who are employed for not less than three months on underground work in Netherlands mines will be required to pay the cost of their board and lodging for the first month.

Workers accommodated in a private boarding-house will receive an allowance of not more than 48 florins for the first month.

The warden of every miners' hostel will receive in respect of each underground worker extra rations amounting to 150 per cent more than the normal allowance.

Rome, 4 December 1948.

For the Royal Netherlands
Government :

W. VAN BYLANDT

For the Italian Government :

VIDAU

EXCHANGE OF NOTES

I

Rome, 4 December 1948

Your Excellency,

With reference to the Arrangement between Italy and the Netherlands concerning the employment of Italian workers for underground work in Netherlands mines, I have the honour to inform you that the Italian Government would be glad to know whether the following provisions meet with the approval of the Royal Netherlands Government.

If the application of the Provisional Arrangement of 30 June 1948, as provided in the Arrangement mentioned above, leads to delays in payments or other difficulties incompatible with the urgency of remittances required for subsistence, the procedure of payment to beneficiaries residing in Italy of family allowances, children's bonuses, pensions and compensation for industrial accidents or diseases and invalidity, old-age and survivors' pensions will be as follows :

1. Insurance funds and administrative bodies which have undertaken to make these payments to Italian workers or their families residing outside Netherlands territory may effect them by transferring the appropriate amounts direct to the beneficiaries by international postal order.
2. If the beneficiaries reside in Italy, the Netherlands insurance funds and administrative bodies may provide for the payment of such allowances by Italian Social Insurance agencies. For this purpose the organizations concerned may conclude previous arrangements, but these must be submitted for approval by the competent administrative authorities.
3. Debtor insurance funds and administrative bodies may for the purpose of obtaining the administrative and medical certificates necessary (in regard to survival, number of dependants, change in physical or mental condition of beneficiaries, etc.) apply either to the diplomatic and consular authorities or to the Italian Social Insurance agencies with which they may correspond direct subject to the provisions of paragraph 2.

I should be obliged if you would be good enough to inform me whether the Royal Netherlands Government is in agreement with the foregoing.

I have the honour, etc.

VIDAU

His Excellency Count Willem van Bylandt
Netherlands Minister, Rome

II

Rome, 4 December 1948

Your Excellency,

I have the honour to acknowledge receipt of your letter of today's date, reading as follows :

[See note I]

I have the honour to advise you that the Royal Netherlands Government is in agreement with the foregoing.

I have the honour, etc.

W. VAN BYLANDT

His Excellency, Luigi Vidau
Director-General of Emigration
Ministry of Foreign Affairs, Rome