

No. 6546

**NETHERLANDS
and
ITALY**

**Agreement concerning the recruitment and placement of
Italian workers in the Netherlands. Signed at The
Hague, on 6 August 1960**

Official text: French.

Registered by the Netherlands on 25 February 1963.

**PAYS-BAS
et
ITALIE**

**Accord concernant le recrutement et le placement de tra-
vailleurs italiens aux Pays-Bas. Signé à La Haye,
le 6 août 1960**

Texte officiel français.

Enregistré par les Pays-Bas le 25 février 1963.

[TRANSLATION¹ — TRADUCTION²]

No. 6546. AGREEMENT³ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE ITALIAN REPUBLIC CONCERNING THE RECRUITMENT AND PLACEMENT OF ITALIAN WORKERS IN THE NETHERLANDS. SIGNED AT THE HAGUE, ON 6 AUGUST 1960

The Government of the Kingdom of the Netherlands and the Government of the Italian Republic,

Desiring to strengthen the friendly relations between their peoples in keeping with the spirit of European solidarity,

With a view to achieving full employment and a better utilization of economic resources,

Believing that it is to their mutual advantage to attain these objectives in order to further the economic and social progress of their peoples,

Have concluded this Agreement for the purpose of organizing the recruitment and placement of Italian workers in the Netherlands.

GENERAL PROVISIONS

Article 1

(1) The Government of the Kingdom of the Netherlands shall notify the Italian Government at least every six months of the number of workers, classified by skills, who it considers can find employment in the Netherlands.

(2) The Italian Government shall supply the Government of the Kingdom of the Netherlands with information on the available workers who are capable of meeting the demand.

Article 2

(1) The responsibility for the recruitment of Italian workers for employment in the Netherlands shall lie with the Ministry of Labour and Social Welfare (hereinafter

¹ Translation by the International Labour Office (International Labour Office, *Legislative Series*, September-October 1961) with the exception of the Preamble and the last two paragraphs.

² Traduction du Bureau international du Travail (Bureau international du Travail, *Série législative*, septembre-octobre 1961) à l'exception du préambule et des deux derniers paragraphes.

³ Came into force on 6 August 1960, upon signature, in accordance with article 22.

referred to as “the Ministry of Labour”) ; the responsibility for their placement in the Netherlands shall lie with the Ministry of Social Affairs and Public Health (hereinafter referred to as “the Ministry of Social Affairs”).

(2) The two Ministries, acting in co-operation, shall endeavour wherever appropriate and possible, to accelerate and simplify the recruitment and placement procedures provided for in this Agreement.

Article 3

(1) The Ministry of Social Affairs shall send a selection committee (hereinafter referred to as “the Netherlands committee”) to Italy for the selection and placement of Italian workers ; this committee shall decide on the place or places in which it is to operate, the premises to be used and the duration of its activities in agreement with the Ministry of Labour.

(2) The Ministry of Labour shall provide the Netherlands committee with a sufficient number of furnished premises in the place or places in which it is to operate, to enable the officials of the committee to examine the physical fitness, qualities and aptitudes of the workers concerned, and to facilitate the discharge of the necessary administrative formalities.

RECRUITMENT AND PLACEMENT

Article 4

(1) The Ministry of Social Affairs shall notify the Ministry of Labour, either directly or through the Netherlands committee, of any offers of employment made by Netherlands employers and recorded in pursuance of paragraph (1) of article 1.

(2) Such offers shall include precise information as to the nature, type and duration of the employment, the remuneration, the conditions of work, the housing and feeding facilities and any other necessary and useful particulars.

Article 5

(1) The Ministry of Labour shall take the necessary steps to publicize the offers of employment ; it shall collect applications from workers who are interested and shall carry out a medical and vocational pre-selection.

(2) Workers who are interested and whose names have been retained on the basis of a pre-selection carried out in the light of the information referred to in article 4 shall be brought before the Netherlands committee at such places and dates as are fixed beforehand by agreement between the Ministries concerned.

(3) During the pre-selection the Ministry of Labour shall ensure that workers who have been convicted of a crime or who are known for their reprehensible moral or civic behaviour are excluded.

Article 6

Italian workers shall produce the following documents on appearing before the Netherlands committee :

- a valid passport for the Netherlands ;
- a certificate of their civil status ;
- an extract from the findings of the pre-selection.

Article 7

(1) The Netherlands committee shall make a selection on the basis of the findings of :

- a general medical examination ;
- a chest radiography ; and
- clinical examinations (blood, urine).

(2) The Netherlands committee shall notify the Ministry of Labour of the grounds for the rejection of any worker.

(3) The criteria to be followed for selection purposes shall be established as and when required, on the basis of qualities and aptitudes to be specified beforehand.

(4) A Netherlands employer shall be entitled to apply to a Netherlands labour office, contesting the opinion of the Netherlands committee as to a worker's aptitudes, but only if the worker's unsuitability has become apparent in his performance of the job.

In such cases the Netherlands labour offices shall endeavour to provide the workers concerned with employment corresponding to their aptitudes.

Article 8

(1) On completion of the selection formalities the Netherlands committee shall request each worker who has been selected to sign a contract of employment drawn up in Dutch and Italian ; the text of this contract shall be prepared and approved as soon as possible by the two Ministries concerned.

(2) The competent Netherlands authorities shall supply the workers referred to in the preceding paragraph free of charge with all the necessary documents for their residence and employment in the Netherlands.

Article 9

(1) The Ministry of Labour shall make arrangements for the transport of workers from their places of residence to the selection centres, for their movements and resi-

dence within such centres, and for the return journeys of workers who have been rejected.

(2) The Netherlands committee shall make arrangements for the transport of workers from the selection centres to the headquarters of the Netherlands labour offices in whose areas their places of employment are located ; the said offices shall arrange for the subsequent transport of the workers to their respective employers. If necessary, the workers may travel directly from their place of departure in Italy to their respective employers.

(3) The transport arrangements shall also include sufficient food for the duration of the journey. An equivalent sum of money may be paid in lieu.

(4) The Ministry of Labour and the Netherlands committee shall lay down principles for the provision of suitable assistance to the workers in the course of their journey.

Article 10

In cases where Netherlands employers, on the basis of personal contacts, indicate the names of particular Italian workers in their offers of employment, the recruitment and selection procedure may be simplified by agreement between the Ministry of Labour and the Netherlands committee.

GENERAL CONDITIONS OF ENGAGEMENT AND EMPLOYMENT

Article 11

(1) Italian workers shall be engaged by Netherlands employers on the basis of a contract specifying the conditions of employment, including remuneration, which shall be in conformity with the standards generally applied and shall not in any circumstances be less favourable than those applied to Netherlands workers in the same category or in a similar job.

Netherlands employers shall ensure that Italian workers are provided with comfortable accommodation.

Italian workers shall contribute not more than 15 florins a week towards the cost of their board and lodging.

(2) The contract shall take account of any special rules deriving from the collective agreements or local customs applicable to Netherlands workers and shall not be concluded for a shorter period than 12 months.

(3) The contract may provide for its renewal for an equal or unspecified period, subject to the prior approval of the Netherlands authorities.

Article 12

The age-limits for the employment of Italian workers in the Netherlands shall be fixed as follows :

- between 21 and 35 years in the case of unskilled workers ;
- between 18 and 45 years in the case of skilled and semi-skilled workers.

These age-limits may be modified in the case of workers who have been requested by name, or in special cases, subject to the agreement of the Ministries referred to in paragraph (1) of article 2.

Article 13

(1) Save as otherwise permitted by the Netherlands authorities, every worker shall return to Italy on the expiry of his contract, unless the contract is renewed or he agrees to be placed in other employment.

(2) On the expiry or termination of the contract the repatriation expenses shall be borne by the Netherlands employer. The worker shall not be liable for such expenses unless he is repatriated through some fault of his own ; a decision shall be taken by the labour office in whose area the place of employment is located.

(3) If the contract of employment is renewed after 12 months, the worker's travelling expenses to and from Italy shall be paid by the employer if the worker wishes to spend his leave in Italy. In the event of a further renewal of the contract this privilege shall not be automatic.

Article 14

(1) The social security of Italian workers shall be based on the provisions of Regulations Nos. 3 and 4 of the European Economic Community.

(2) The coverage of the risks connected with the journey shall be the subject of an agreement to be concluded as soon as possible between the Ministries referred to in paragraph (1) of article 2.

The insurance premiums shall be paid by the Netherlands employer.

Article 15

(1) The Netherlands labour offices and employers shall give Italian workers any assistance they require in familiarising themselves with their new surroundings, particularly during their initial period of employment.

(2) The competent authorities of both countries shall give sympathetic consideration to any steps taken by Italian and Netherlands social and religious organisations to facilitate the adaptation of Italian workers. Arrangements shall also be made to facilitate co-operation between such Italian and Netherlands organisations.

Article 16

Italian workers may transfer the whole of their remuneration, in accordance with the Netherlands currency regulations in force.

Article 17

(1) The Ministry of Labour shall defray the cost of :

- the medical and vocational pre-selection of workers ;
- the workers' travelling expenses from their place of residence to Milan ;
- the workers' board and lodging while they are resident in the centres.

(2) The Ministry of Social Affairs shall defray, or advance funds to defray, the cost of :

- the operation of the Netherlands committee ;
- the medical and vocational selection of workers ;
- the workers' journey and food from Milan to the place of employment in the Netherlands. (Such costs, for which the employer is liable, shall be recovered by the Ministry of Social Affairs.)

CONCLUDING PROVISIONS

Article 18

(1) The two Governments shall establish a joint committee, consisting of not more than three representatives of either Party. The representatives may be assisted by experts.

Meetings of the joint committee shall be held alternately in Italy and the Netherlands, at the request of either Party.

It shall be the duty of the joint committee to determine the measures required for the administration of this Agreement and to suggest any necessary amendments or additions.

(2) The provisions of this Article shall not exclude the possibility of a direct agreement between the Ministries concerned in matters relating to the interpretation and administration of this Agreement.

Article 19

(1) The Netherlands Government shall supply the Italian Government with all relevant information on the general working and living conditions that may be of interest to workers.

(2) It shall more particularly supply all relevant information on the average remuneration and hours of work in the different sectors of production, on the wage

deductions made in respect of taxes and social insurance contributions, and on retail prices and the general cost of living.

Such information shall be brought up to date as necessary.

Article 20

The provisions in article 48 of the Treaty establishing the European Economic Community¹ as to the limitations justified by reasons of public order, public safety and public health shall apply for the purposes of this Agreement.

Article 21

The provisions of this Agreement shall not prejudice the application of international regulations containing provisions to promote a freer movement of workers between European States, if the Italian Republic and the Kingdom of the Netherlands are Parties thereto.

Article 22

This Agreement shall come into operation on its date of signature and shall be valid for one year.

If it is not denounced three months before the date of its expiry, it shall be deemed to have been tacitly renewed from year to year, each Government in this case reserving its right to denounce the Agreement three months before the expiry of the current period.

IN WITNESS WHEREOF, the undersigned plenipotentiaries have affixed their signatures to the foot of this Agreement.

DONE at The Hague on 6 August 1960, in duplicate in the French language.

For the Government
of the Kingdom of the Netherlands :

(Signed) J. LUNS

For the Government
of the Italian Republic :

(Signed) GIUSTINIANI

¹ United Nations, *Treaty Series*, Vol. 298, p. 3.