

No. 9781

**NETHERLANDS
and
MOROCCO**

Convention concerning the recruitment and placement of Moroccan workers in the Netherlands. Signed at The Hague on 14 May 1969

Authentic texts: Dutch and French.

Registered by the Netherlands on 7 August 1969.

**PAYS-BAS
et
MAROC**

Convention concernant le recrutement et le placement de travailleurs marocains aux Pays-Bas. Signé à La Haye le 14 mai 1969

Textes authentiques : néerlandais et français.

Enregistré par les Pays-Bas le 7 août 1969.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE KINGDOM OF THE
NETHERLANDS AND THE KINGDOM OF MOROCCO
CONCERNING THE RECRUITMENT AND PLACEMENT
OF MOROCCAN WORKERS IN THE NETHERLANDS

The Government of the Kingdom of the Netherlands and
The Government of the Kingdom of Morocco,

Having regard to the bonds of friendship between the two countries
and to their respective interests in the matter of employment,

Recognizing that it is in the interest of both countries to promote the
placement of Moroccan workers in the Netherlands,

Desiring to lay down conditions for the recruitment, placement and
employment of Moroccan nationals in the Netherlands,

Have agreed on the following provisions:

GENERAL PROVISIONS

Article 1

The responsibility for the recruitment and placement of Moroccan
workers in the Netherlands shall lie:

On the Moroccan side, with the Department of Manpower of the Ministry
of Labour and Social Questions at Rabbat, hereinafter referred to as “The
Department”;

On the Netherlands side, with the General Office of Employment in
the Ministry of Social Affairs and Public Health, Leidschendam, hereinafter
referred to as “the General Office”.

Article 2

1. In order that the competent Moroccan authorities may make in due
time the necessary arrangements to meet the demand, the General Office

¹ Came into force on 14 May 1969 by signature, in accordance with article 27.

shall supply the Department with information on the approximate requirements of the Netherlands economy in Moroccan workers. The Department may inform the General Office of the total number of Moroccan workers available.

2. When this Convention comes into force, the General Office shall supply the Department with all information regarding the general conditions of remuneration, work, social advantages and living which may be of assistance to the workers concerned.

3. This information shall contain in particular all details regarding the average remuneration and average working hours in the various branches of production in the Netherlands and the amounts withheld from wages for payment of taxes, social security contributions and so on, as well as all details concerning prices and the cost of living in general. Additional information shall be provided in case of important changes or at the request of the Department, and in case of changes relating to the conditions of entry and the provisions concerning the reuniting of families.

RECRUITMENT AND PLACEMENT

Article 3

1. The General Office shall notify the Department of offers of employment from Netherlands employers, taking into account the information furnished in accordance with Article 2.

2. The offers of employment shall include precise information as to the nature, category and duration of the employment, the gross and net remuneration, the conditions of work and the facilities for housing and feeding the workers, as well as any other necessary and useful particulars.

3. If the Department can accept an offer of employment, it shall promptly take the necessary steps to publicize the offer and any relevant information of interest to the workers concerned.

Article 4

The age-limits between which Moroccan workers will be eligible to work in the Netherlands shall be as follows:

— Between twenty-one and thirty-five years in the case of unskilled workers;

— Between twenty-three and forty-five years in the case of skilled or specialized workers.

These age-limits may be altered in the case of individual workers whose services have been specifically requested or, in special cases, by agreement between the Department and the General Office.

Article 5

1. The Department shall arrange for applicants for placement in the Netherlands to undergo a medical examination. It shall examine them or their vocational qualifications and any other matters specified by the General Office.

2. The results of the examination of each individual applicant shall be entered on forms of a type to be agreed upon.

3. The Department shall ensure that applicants who have been convicted of a criminal offence or are known for their reprehensible moral or civic behaviour are excluded.

4. The professional pre-selection of applicants shall be made taking into account the conditions specified in the offers and on the basis of the physical aptitudes or the professional experience of the applicants, or of certificates relating to the training they have received.

5. The list of applicants approved for placement shall be sent by the Department to the General Office, together with the completed forms for each applicant listed.

Article 6

1. The General Office may send a delegation to Morocco for the purpose of making a final selection from the applicants proposed by the Department.

2. In order to enable the said Delegation — which may be in Morocco on a permanent or temporary basis — to conduct the necessary examinations rapidly and effectively, the Department shall make appropriate premises and equipment available to it at selection centres, the location of which shall be determined by mutual agreement.

Article 7

The General Office shall send to the Department, as quickly as possible, a statement listing the applicants finally approved.

Article 8

1. For each worker who is finally approved for placement in the Netherlands, the General Office shall send to the Department a contract of employment signed by the employer and drafted in the languages of both countries, in accordance with a model prepared by mutual agreement in which the respective rights and obligations of the employer and the worker are stipulated. It shall be signed by the worker before his departure from Morocco.

2. The contract shall be prepared in four copies, one for the employer, one for the worker and two for the Moroccan Department.

3. The period of validity must be clearly indicated in the contract of employment. It shall be limited in principle to twelve months.

Article 9

1. The worker shall have in his possession:

- a) A document indicating his civil status and that of his dependent children. A copy of this document shall be sent to the competent Netherlands authority;
- b) A certificate showing that he has not been convicted of a criminal offense, as required under Article 5; or, failing that, a certificate of good character;
- c) A document stating that he has successfully passed the medical examination as required under Article 5.

2. On receipt of the contract of employment referred to in Article 8, the Moroccan authorities shall ensure that the worker is provided with all necessary documents, in particular a passport valid for at least one year.

Furthermore, these workers shall also have in their possession a visa valid for the Netherlands designated "authorization for temporary stay". This authorization shall be issued free of charge by or on behalf of the competent Netherlands diplomatic or consular representative in Morocco, in the form of an annotation on the passport.

Article 10

1. The Department shall be responsible for ensuring that the workers recruited are present on the dates and at the places of departure for the Netherlands agreed with the General Office.

2. The travel of the workers from the places of departure for the Netherlands shall be organized and paid for by the General Office.

3. The embarkation of recruited workers shall take place as far as possible, on the day they arrive at the place of departure.

Article 11

Upon the arrival of the recruited workers in the Netherlands, the competent Netherlands authorities shall provide, as rapidly as possible, every facility for the acquisition of the necessary work and residence permits.

Article 12

1. The Netherlands employers may refuse to continue observing a contract of employment concluded with a worker who has been recruited by the General Office or by the Delegation only if the worker's unsuitability or incapacity for the work is apparent from his performance of his job. In such cases, the Netherlands Labour Offices shall endeavour to offer to the workers concerned employment corresponding to their aptitudes.

2. On termination of the contract by the worker, held to be justified by the Director of the Labour Office, the worker, without prejudice to the rights he may assert under Netherlands legislation, shall have the opportunity of concluding a new contract with another enterprise.

3. On termination of the contract by the employer, held to be unjustified by the Director of the Labour Office, the worker, without prejudice to the rights he may assert under Netherlands legislation, shall have the opportunity of signing a new contract with another enterprise, or, if he so wishes, of being repatriated at the expense of the employer. In all these cases, the General Office shall provide him with all necessary assistance.

4. In case of transfer from one enterprise to another with the agreement of all the parties concerned, the new contract shall replace the old one.

Article 13

1. Morocco shall defray the costs of the pre-selection of workers provided for in Article 5; these costs shall include the costs of the medical and vocational examination, of the workers' travel from their places of residence to the place of examination, and of their board and lodging during their stay in the selection centres.

2. Where the selection or examination is made by or at the request of the Delegation, the costs of the special medical and vocational examinations shall be defrayed by the Netherlands.

3. The working expenses of the Delegation shall be defrayed by the Netherlands.

Article 14

The General Office shall transmit directly to the Department with a copy to the Embassy of the Kingdom of Morocco, lists of the workers arriving in the Netherlands under this Convention, together with the address of the employer and the initial address of each worker.

Article 15

1. If no delegation is sent to Morocco, the General Office shall send offers of employment directly to the Department.

2. In such cases the provisions of Articles 4, 5, 8, 9, 12, 13 and 14 shall be applicable.

3. The Department shall ensure that application for employment are dealt with as rapidly as possible.

4. In such cases, the travel of the workers from the places of departure for the Netherlands shall be arranged by the Department, the costs of transport and lodging being refunded by the General Office to the Department on receipt of the relevant bills and invoices.

GENERAL CONDITIONS OF EMPLOYMENT

Article 16

1. The Moroccan workers employed in the Netherlands shall be afforded the same conditions of remuneration and employment, including paid vacations, as those applied to Netherlands workers, in conformity with the prevailing legal provisions, collective labour agreements and professional and local usage.

2. They shall be afforded the same rights and safeguards as those enjoyed by Netherlands workers as regards application of the laws on occupational health and safety, and in the matter of accommodation.

3. They shall enjoy the social security benefits, including family allowances, enjoyed by Netherlands workers under Netherlands law, in so far as they meet the conditions laid down by Netherlands law.

4. The Netherlands authorities shall be responsible for the implementation

of these provisions and shall in particular verify, at the time of the workers' arrival in the Netherlands, that the conditions of recruitment are consistent with them.

5. The Moroccan workers shall have access to the responsible administrative or judicial authorities in the Netherlands, in the matter of labour disputes, on an equal footing with Netherlands workers.

Article 17

1. The Moroccan workers employed and settled in the Netherlands shall have the right to be joined by their families after they have worked for two years and on condition that they dispose of accommodation considered suitable for themselves and their families by the Netherlands authorities. The family shall be taken to mean the wife and dependent minors.

2. The Netherlands Government and the Netherlands employers shall assist the Moroccan workers employed in the Netherlands to find such accommodation, on normal terms.

3. The Moroccan authorities shall grant these families every facility to leave the territory. The Netherlands diplomatic and consular representatives shall provide the necessary visas and facilities.

Article 18

The Moroccan workers may transfer their entire savings to Morocco, in accordance with the legislation and regulations in force in the Netherlands.

Article 19

1. The competent Netherlands authorities and the Netherlands employers shall give the Moroccan workers any assistance they may require in familiarizing themselves with their new surroundings, particularly during their initial period of employment.

2. All appropriate measures shall be taken by the enterprises to adapt the workers gradually to the work they will have to perform and to give them all relevant information concerning procedures for measuring contract work, payment of salaries and the submission of possible complaints.

3. The competent authorities of the two Contracting Parties shall give sympathetic consideration to and shall encourage any steps taken by Netherlands or Moroccan social or religious organizations to facilitate the adaptation

of the Moroccan workers. Arrangements shall be made to facilitate co-operation between such Moroccan and Netherlands organizations.

4. At the request of the worker and with the consent of the employer, public holidays established by Netherlands legislation may be replaced by public holidays legal in Morocco.

Article 20

1. Every worker shall leave the Netherlands on the expiry of his contract, unless his contract is renewed or he agrees to be placed in other employment, subject to the permission of the Netherlands authorities.

2. If a new contract is concluded, the application for renewal of the work permit shall be made either by the employer or by the worker.

3. On the expiry or termination of the contract, the repatriation expenses shall be borne by the Netherlands employer. Nevertheless, the worker shall be liable for such expenses if the contract was terminated as the result of some serious fault committed by him or if his reasons for terminating the contract are not adequate; a decision on that point shall be taken by the Labour Office in whose area the place of employment is located.

4. If the contract of employment referred to in Article 8 is renewed, the workers's travelling expenses to and from Morocco shall be paid by the employer if the worker wishes to spend his leave in Morocco. In the event of further renewals of the contract, this privilege shall not be automatic. If the contract is renewed without leave being spent in Morocco, repatriation expenses shall, after expiry of the contract of employment, be borne by the employer, provided that repatriation takes place within two weeks of the expiry of the contract of employment.

FINAL PROVISIONS

Article 21

The competent Moroccan authorities shall take all appropriate steps to prevent Moroccans seeking employment who have not been recruited under the terms of this Convention from travelling to the Netherlands.

Article 22

The Moroccan Government shall admit into its territory, at all times,

and without formalities, Moroccan workers in the Netherlands who, by virtue of Netherlands provisions concerning foreigners, are not allowed or are no longer allowed to stay in the Netherlands. The said Government shall facilitate the issuance of travel documents and transit visas required for the return voyage to Morocco.

Article 23

1. A Joint Committee consisting of not more than three representatives of each party shall be established. Either party may be assisted by experts if necessary.

2. The duties of the Joint Committee shall be:

- a) To supervise the implementation of this Convention. It shall endeavour to remove and settle any difficulties that may arise from the implementation of this Convention on which no understanding has been reached between the Department and the General Office.
It may also consider general questions relating to the recruitment and placement of Moroccan workers in the Netherlands.
It may submit proposals to both parties regarding the questions considered by it.
- b) To propose, if the occasion warrants, amendments to this Convention.
- c) To make proposals on the adaptation of the conditions laid down in this Convention and those laid down in multi-lateral agreements which may be concluded subsequently by both Governments. The Committee may make any other appropriate suggestions with a view to improving co-operation between Morocco and the Netherlands in the field covered by this Convention.

3. The Joint Committee shall decide its own rules of procedure and working methods. It shall meet in Morocco and in the Netherlands alternately at the request of either party.

Article 24

In so far as the Kingdom of the Netherlands is concerned, this Convention shall apply only to the European territory of the Kingdom.

Article 25

The Netherlands Government shall endeavour to ensure that the rights and privileges granted by this Convention to Moroccan workers employed in the Netherlands are extended to Moroccan workers who immigrated earlier.

Article 26

Only qualified representatives of the Moroccan and Netherlands Governments or other persons duly authorized to that end by those Governments may intervene in the recruitment of Moroccan workers for Netherlands enterprises.

Article 27

1. This Convention shall come into force on the day of its signature.

2. It shall remain in force for a period of one year and shall be tacitly extended from year to year unless it is denounced by either Contracting Party through the diplomatic channel not later than three months before the date of expiry.

IN WITNESS WHEREOF the undersigned, duly authorized for that purpose, have signed the present Convention.

DONE at The Hague on 14 May 1969, in duplicate, in the Dutch and French languages, both texts being equally authentic.

For the Government of the Kingdom of the Netherlands:
J. LUNS

For the Government of the Kingdom of Morocco:
Bensalem GUESSOUS