

**No. 11324**

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**NETHERLANDS  
and  
TUNISIA**

**Convention concerning the recruitment in Tunisia of Tunisian  
workers and their placement in the Netherlands. Signed  
at The Hague on 8 March 1971**

*Authentic text: French.*

*Registered by the Netherlands on 31 August 1971.*

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**PAYS-BAS  
et  
TUNISIE**

**Convention concernant le recrutement en Tunisie des tra-  
vailleurs tunisiens et leur placement aux Pays-Bas.  
Signée à La Haye le 8 mars 1971**

*Texte authentique: français.*

*Enregistrée par les Pays-Bas le 31 août 1971.*

[TRANSLATION — TRADUCTION]

CONVENTION <sup>1</sup> BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE REPUBLIC OF TUNISIA CONCERNING THE RECRUITMENT IN TUNISIA OF TUNISIAN WORKERS AND THEIR PLACEMENT IN THE NETHERLANDS

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

Having regard to the bonds of friendship between the two countries and to their respective interests with regard to labour matters,

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

Desiring to establish the conditions of recruitment, placement and work of Tunisian nationals in the Netherlands,

Have agreed on the following principles:

GENERAL PROVISIONS

*Article 1*

The responsibility for the recruitment in Tunisia of Tunisian workers and their placement in the Netherlands shall lie:

On the Tunisian side, with the Office of Vocational Training and Employment (hereinafter referred to as “the Office”);

On the Netherlands side, with the Department of Employment in the Ministry of Social Affairs and Public Health (hereinafter referred to as “the Department”).

*Article 2*

1. In order that the responsible Tunisian authorities may make in due time the necessary arrangements and meet the demand, the Department shall supply the Office with information on the approximate requirements of the Netherlands economy in Tunisian workers. The Office shall inform the Department of the number of Tunisian workers available.

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<sup>1</sup> Came into force on 8 March 1971 by signature, in accordance with article 29 (1).

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

3. This information shall include in particular all information regarding the average remuneration and average working hours in the various branches of Netherlands industry, the total amounts withheld from wages for payment of taxes, social security contributions and so on, and all information concerning prices and the cost of living in general. Additional information shall be provided in the event of important changes or at the request of the Office. Furthermore, the Department shall notify alterations affecting conditions of admission and arrangements concerning family reunification.

## RECRUITMENT AND PLACEMENT

### *Article 3*

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

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

3. The Office shall take the necessary steps to supply the Tunisian workers concerned with all useful information concerning offers of employment which it has approved.

### *Article 4*

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

- Between 18 and 35 years in the case of unskilled workers;
- Between 18 and 45 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 Office and the Department.

*Article 5*

1. The Office shall arrange for applicants for placement in the Netherlands to undergo a medical examination and shall check their vocational qualifications and ensure that they satisfy any other special conditions specified by the Department and in the offers of employment.

2. The results of the examination and check shall be entered on forms of an agreed type.

3. The Office shall ensure that applicants for employment have not been convicted of a criminal offence or, failing that, have a certificate of good character and behaviour.

4. The occupational pre-selection of applicants shall be made with due regard to the special conditions specified in the offers of employment and on the basis of the physical fitness of the applicants, their occupational experience or certificates relating to their training.

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

*Article 6*

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

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

*Article 7*

The Department or its delegation at Tunis shall send to the Office, as quickly as possible, statements listing the applicants finally approved.

*Article 8*

1. The Department shall send to the Office, in respect of each worker finally approved for placement, a contract of employment signed by the employer and drafted in the languages of the two countries in accordance with a model prepared by mutual agreement and stating the respective rights and obligations of employer and worker. It shall be signed by the worker before his departure from Tunisia, in the presence of a representative of the Office.

2. The contract of employment shall be drawn up in quadruplicate: one copy shall be for the employer, one for the worker and two for the Office.

3. The period of validity must be shown clearly in the contract of employment. It shall be in principle limited to 12 months.

#### *Article 9*

1. The worker must have in his possession:

- (a) An official booklet containing extracts from the civil register relating to his family (*livret de famille*) or, failing that, a birth certificate, a marriage certificate and an official certificate indicating the members of his family who are dependent on him;
- (b) A certificate showing that he has not been convicted of a criminal offence, as provided in article 5, or, failing that, a certificate of good character and behaviour;
- (c) A document stating that he has successfully undergone the examination provided for in article 5.

2. On receipt of the contract of employment referred to in article 8, the Tunisian authorities shall ensure that the worker is provided with all necessary papers, including a passport valid for at least one year.

In addition, the worker must have obtained a visa valid for the Netherlands, and endorsed "authorization for temporary residence". This authorization, stamped in the passport, shall be provided free of charge by, or in the name of, the responsible diplomatic or consular representative of the Netherlands in Tunisia.

#### *Article 10*

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

2. Travel from the place of departure for the Netherlands shall be arranged and paid for by the Department.

#### *Article 11*

When the workers engaged arrive in the Netherlands, the appropriate Netherlands authorities shall provide them, as soon as possible, with every facility for obtaining the necessary work and residence permits.

*Article 12*

1. A Netherlands employer shall be entitled to repudiate the contract of employment concluded with a worker recruited by the Department or by the delegation only if the worker is clearly unsuitable or unable to perform his work. In such cases, the Netherlands labour offices shall give the worker concerned any assistance he requires in order to find employment corresponding to his aptitudes.

2. In case of termination of the contract by the worker considered justified by the manager of the labour office, the worker may, without prejudice to such rights as he may assert under Netherlands law, conclude a new contract with another enterprise.

3. In case of termination of the contract by the employer considered unjustified by the manager of the labour office, the worker may, without prejudice to such rights as he may assert under Netherlands law, conclude a new contract with another enterprise, or, if he so desires, be repatriated at the expense of the employer. In both cases, the Department shall give the worker any assistance he requires.

4. In both the preceding cases the Department shall undertake to give the workers concerned any assistance they require in order to find employment corresponding to their occupational qualifications and aptitudes.

5. If a worker is transferred from one enterprise to another by mutual agreement among all the parties concerned, the new contract shall be substituted for the former.

*Article 13*

1. Tunisia shall defray the costs of the pre-selection of workers mentioned in article 5; these costs include the costs of the medical and vocational examinations, of the workers' travel from their place of residence to the place of examination, and of their board and lodging during their stay in the selection centres.

2. The costs of special medical examinations and of vocational examinations shall be defrayed by the Netherlands in cases where such examination is carried out by, or at the request of, the delegation.

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

*Article 14*

The Department shall send directly to the Office, with a copy to the Embassy of the Republic of Tunisia, lists of workers arriving in the Netherlands under the provisions of this Convention, together with the address of the employer and the initial address of each worker.

*Article 15*

In cases where a delegation is not sent to Tunisia:

- (a) The Department shall send offers of employment directly to the Office;
- (b) The provisions of articles 4, 5, 8, 9, 12, 13, and 14 shall apply analogically;
- (c) The Office shall ensure that requests for the recruitment of workers are dealt with as quickly as possible;
- (d) Travel from the place of departure for the Netherlands shall be arranged by the Office; the costs of travel and medical examinations shall be reimbursed by the Department to the Office on receipt of the relevant statements and invoices.

## GENERAL CONDITIONS OF EMPLOYMENT

*Article 16*

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

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

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

4. The Netherlands authorities shall be responsible for the implementation of these provisions and shall in particular verify, at the time of the worker's arrival in the Netherlands, that the conditions of employment are consistent with them.

5. In the matter of labour disputes, Tunisian workers shall have access to the responsible administrative or judicial authorities in the Netherlands on the same terms as Netherlands workers.

#### *Article 17*

Tunisian workers may transfer their entire savings to Tunisia, in accordance with the prevailing laws and regulations in the Netherlands.

#### *Article 18*

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

2. All appropriate measures must be taken by the enterprises to adapt the workers gradually to the work to which they are assigned and to give them all relevant information regarding salary scales and methods of submitting claims.

3. The competent authorities of both Contracting Parties shall give sympathetic consideration to, and encourage, any steps taken by Netherlands or Tunisian social organizations to facilitate the adaptation of Tunisian workers. Arrangements shall also be made to facilitate co-operation between such Netherlands and Tunisian organizations.

4. At the request of the worker and with the agreement of the employer, legal holidays of the Netherlands may be replaced by Tunisian legal holidays.

#### *Article 19*

1. The worker shall leave the Netherlands on the expiry of his contract, unless the 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 may 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 termination is caused by some serious fault of his own or if his reasons for terminating the contract are not justified; a decision on this matter shall be taken by the labour office in whose area the place of employment is located.



4. If the contract of employment mentioned in article 8 is renewed, the worker's travelling expenses to and from Tunisia shall be paid by the employer if the worker wishes to spend his holidays in Tunisia. In the event of a further renewal of the contract, this privilege shall not be automatic. If the contract is renewed without the worker spending his holidays in Tunisia, the repatriation expenses after the expiry of the contract of employment shall be borne by the employer, provided that the repatriation takes place within a period of two weeks after the expiry of the contract of employment.

## VOCATIONAL TRAINING

### *Article 20*

Access to adult vocational training centres run by the Netherlands Government shall be available to Tunisian workers.

They shall be admitted to the centres in accordance with the employment policy in the Netherlands, on the same terms as Netherlands workers and according to the availability of places. Tunisian workers shall enjoy in the centres the same advantages as Netherlands workers.

### *Article 21*

As far as possible, the competent Tunisian authorities shall assist Tunisian workers trained in the Netherlands to find employment after their return to Tunisia.

### *Article 22*

At the request of Netherlands enterprises, vocational training courses specially designed for applicants for employment in the Netherlands may be organized in Tunisia by the Tunisian authorities. The programme for these courses shall be prepared by mutual agreement between the competent authorities and the enterprises concerned.

The conditions for the repayment by the enterprises concerned of the expenses involved in these training courses and the duration of the validity of the contract of employment of the workers concerned shall be decided subsequently by the Office and the Department by exchange of letters.

## FINAL PROVISIONS

### *Article 23*

The competent authorities of both countries shall endeavour to ensure, by means of appropriate publicity, that the provisions of this Convention are applied to the employment of Tunisians in the Netherlands.

*Article 24*

The Tunisian Government shall admit into its territory, at all times and without formality, Tunisian workers present in the Netherlands who, under the Netherlands laws relating to aliens, are not permitted or are no longer permitted to remain in the Netherlands. The said Government shall facilitate the provisions of the travel documents needed for the return to Tunisia.

*Article 25*

1. A Joint Commission, consisting of not more than three representatives of either Party, shall be established. Either delegation in this Commission may be assisted by experts.

2. The functions of the Commission shall be:

- (a) To supervise the implementation of this Convention. It shall endeavour to smooth out and to resolve any difficulties resulting from the implementation of this Convention on which the Office and the Department have been unable to reach agreement. It may also consider general questions relating to the recruitment and placement of Tunisian workers in the Netherlands. It may submit proposals to both Parties regarding the questions it has considered;
- (b) To propose any necessary changes in this Convention;
- (c) To make proposals concerning the adjustment of the provisions of this Convention and of those appearing in multilateral agreements which may be concluded subsequently by the two Governments. The Commission may make any other suggestions which may help to improve co-operation between Tunisia and the Netherlands in the area covered by this Convention;
- (d) To consider ways of developing collaboration between the Department and the Office in the field of adult vocational training.

3. The Joint Commission shall decide its own rules of procedure and working methods. It shall meet alternately in Tunisia and in the Netherlands, at the request of either Party.

*Article 26*

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

*Article 27*

As far as is possible, the Netherlands Government shall take appropriate steps to ensure that the rights and benefits granted by this Convention to Tunisian workers employed in the Netherlands are extended to Tunisian workers who arrived in the Netherlands before the date of the signature of this Convention.

*Article 28*

Only authorized representatives of the Tunisian and Netherlands Governments or other persons duly authorized for this purpose by the Governments may intervene in the recruitment of Tunisian workers for Netherlands enterprises.

*Article 29*

1. This Convention shall enter into force on the date of its signature.
2. It shall be valid for a period of one year and shall be tacitly renewed from year to year, unless it is denounced by one of the Contracting Parties through the diplomatic channel not later than three months before the date of expiry.

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

DONE at The Hague, on 8 March 1971, in two copies, in the French language.

For the Government of the Kingdom of the Netherlands:

J. LUNS

For the Government of the Republic of Tunisia:

BRAHIM TURKI

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