

No. 27261

**FRANCE
and
TUNISIA**

Convention on labour. Signed at Paris on 9 August 1963

Authentic text: French.

Registered by France on 11 May 1990.

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et
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Convention de main-d'œuvre. Signée à Paris le 9 août 1963

Texte authentique : français.

Enregistrée par la France le 11 mai 1990.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON LABOUR BETWEEN FRANCE AND TUNISIA

The Government of the French Republic and the Government of the Republic of Tunisia, wishing, in their common interest, to organize the recruitment of Tunisian workers for employment in France, and desiring to provide them with the best possible living and working conditions, have agreed on the following provisions:

Article 1

In order to facilitate the recruitment of Tunisians wishing to work in France, the French Government shall periodically provide the Tunisian Government with up-to-date information concerning general working and living conditions in France, including, in particular, details regarding salaries, social security and taxes.

In December each year, the French Government shall provide the Tunisian Government with the most detailed possible forecast of its needs for Tunisian manpower in the coming year.

Fifteen days prior to the beginning of each quarter, the French Government shall provide the Tunisian Government with an estimate of its requirements for Tunisian manpower broken down by occupational sector.

In the month following the receipt of these documents, the Tunisian Government shall provide the French Government with the most accurate details possible concerning the number and type of Tunisian workers available to meet these requirements.

Article 2

Tunisian workers wishing to take up employment in France may be recruited individually or by group.

Recruitment shall be carried out in accordance with the rules laid down in this Convention.

The following age limits shall apply:

- Agricultural workers: 45 years;
- Mineworkers: 35 years;
- Workers in other categories: 40 years.

Derogations may be granted for workers with specific occupational skills or with large families consisting of children between 5 and 20 years of age.

Article 3

On their arrival in France, Tunisian workers must be in possession of an employment contract countersigned by the French Ministry of Labour.

¹ Came into force on 9 August 1963 by signature, in accordance with article 14.

Article 4

The Tunisian authorities shall be responsible for conducting the preliminary occupational screening and medical examination of applicants in accordance with standards which meet the requirements of French regulations governing the admission of workers to French territory. The costs connected with the preliminary screening shall be borne by the Tunisian Government.

The lists of Tunisian workers selected following the preliminary screening process shall be transmitted to the French Embassy.

The officials of the special French service placed under the authority of the French Embassy shall undertake the final selection of candidates at suitably equipped premises made available locally by the Tunisian Government.

The costs connected with the final selection process shall be borne by the French Government.

Tunisian workers found suitable shall sign an employment contract, countersigned by the services of the French Ministry of Labour and corresponding to the standard contract provided for by French law, at the premises made available to the special French service.

Models of the contracts used shall be transmitted to the Tunisian Government, which shall also be notified of any changes made in the standard contract.

The contracts shall be given to the workers prior to their departure by the representative of the Tunisian authorities at the above-mentioned premises.

Article 5

The admission into France of workers recruited on an individual basis shall be governed by the same conditions as those laid down for group recruitment.

Workers recruited individually shall, however, be exempt from the occupational screening referred to in article 4.

Article 6

The costs relating to the reception of the workers and their transport from the point of disembarkation in France to the place of work shall be borne by the French Government.

The costs of travel from Tunisia to the point of disembarkation in France may be met in full or in part by the employers.

Article 7

The Governments of the two countries undertake to take all appropriate measures to speed up and simplify the administrative formalities and, in general, the procedures necessary to enable Tunisian workers recruited under the terms of this Convention to leave Tunisia, and travel to, enter and settle in France.

On arrival at their place of residence, the workers must apply to the competent administrative authorities in order to obtain residence and work permits.

Article 8

If a French employer fails to fulfil an employment contract concluded under this Convention or if an employment contract under which a Tunisian worker has

been admitted into France is broken before the expiry of its term and if such breach is recognized by a legal decision as attributable to the employer, the services of the French Ministry of Labour shall take all measures to find employment for the Tunisian worker legally admitted to the country under conditions similar to those stipulated in the initial labour contract, particularly with regard to the type of employment and the salary.

The French National Immigration Bureau shall provide accommodation (board and lodging) for the worker until alternative employment can be offered and shall defray the costs of transport to the new place of work.

If a worker is dismissed because of staff cutbacks or factory closure, or, in general, if he loses his job other than by resignation or his own fault, the French manpower services shall endeavour to find him alternative employment.

The workers referred to in this article shall be entitled to unemployment benefits under the conditions laid down in article 9 below.

Article 9

The French Government shall take the measures necessary to ensure that the Tunisian workers are given the best possible reception in France, particularly as regards transport facilities, the provision of canteens and medical assistance.

Tunisian workers shall, on French territory, enjoy the same treatment as French workers with regard to working conditions, health and safety conditions, housing, paid holidays and unemployment benefits.

In addition, they shall receive, for equal work, remuneration equal to that of French workers. They shall also enjoy all the benefits granted to French workers under the relevant laws and regulations, collective agreements or any other arrangements.

They shall benefit from the laws and regulations governing social welfare.

Until such time as a specific convention on social security matters has been concluded, they shall continue to enjoy the status they enjoyed in this regard on the date of the signing of this Convention and, in general, to enjoy the benefits provided for under the laws and regulations in force.

Article 10

The French Government shall provide every facility under the laws and regulations in force to assist the families of Tunisian workers wishing to join them in France.

Article 11

The French Government undertakes to recommend to employers that they should provide Tunisian workers with every facility to enable them to spend their paid holidays and official public holidays in Tunisia.

Article 12

Tunisian workers may transfer their savings to Tunisia in accordance with the laws and regulations in force.

Article 13

A Joint Commission shall be established to monitor the implementation of this Convention and to take any measures necessary for that purpose. It shall also be responsible for proposing the revision of the Convention when necessary, and for considering any difficulties which may arise in connection with its implementation.

The members of the Commission shall be appointed by each of the two Governments.

The Commission shall meet, at the request of either Contracting Party, alternately in Tunisia and in France.

Article 14

This Convention shall enter into force on the date of its signature.

It shall remain in force for a period of ten years and shall be extended automatically from year to year unless it is denounced by either Contracting Party three months prior to the date of expiry.

DONE at Paris, on 9 August 1963, in duplicate.

For the Government
of the French Republic:

[FRANCIS LEDUC]

For the Government
of the Republic of Tunisia:

[S. MOKKADEM]