

No. 7457

**AUSTRIA
and
TURKEY**

**Agreement (with annex) concerning the recruitment and the
employment in Austria of Turkish workers. Signed at
Vienna, on 15 May 1964**

Official texts: German and Turkish.

Registered by Austria on 12 November 1964.

**AUTRICHE
et
TURQUIE**

**Accord (avec annexe) concernant le recrutement de travail-
leurs turcs et leur emploi en Autriche. Signé à Vienne,
le 15 mai 1964**

Textes officiels allemand et turc.

Enregistré par l'Autriche le 12 novembre 1964.

[TRANSLATION — TRADUCTION]

No. 7457. AGREEMENT¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE REPUBLIC OF TURKEY CONCERNING THE RECRUITMENT AND THE EMPLOYMENT IN AUSTRIA OF TURKISH WORKERS. SIGNED AT VIENNA, ON 15 MAY 1964

The Federal Government of the Republic of Austria and the Government of the Republic of Turkey,

Having regard to the friendly relations existing between the two countries and their mutual interests as concerns the labour market,

Proposing to supply a part of Austria's requirements for foreign manpower with Turkish workers and to concede to the Turkish Employment Authority (Türk İş ve İşçi Bulma Kurumu) the exclusive right to recruit Turkish workers,

Believing that the authorities of the two countries should be given directives for the implementation of their intention, and

Desiring to strengthen the economic solidarity between the two countries,

Have with those ends in view resolved to conclude an agreement in the following terms :

Article 1

1. The Austrian Federal Ministry of Social Affairs (hereinafter called the Social Ministry) shall forward to the Turkish Employment Authority (hereinafter called the Employment Authority) information on the approximate requirements of the Austrian economy for Turkish workers, classified by industry and occupation, in order that the Employment Authority may determine in due time the extent to which such requirements can be met.

2. The Employment Authority shall inform the Social Ministry as soon as possible of the extent to which the stated requirements can be supplied.

Article 2

1. The Social Ministry and its authorized recruiting agency may communicate direct with the Employment Authority for the purpose of recruiting Turkish workers. The Social Ministry shall inform the Employment Authority which agency is the authorized recruiting agency.

¹ Came into force on 15 May 1964, upon signature in accordance with article 17.

2. The Social Ministry, or its authorized agency, and the Employment Authority shall perform their duties under this Agreement in direct co-operation. They shall endeavour to expedite and, to such extent as may be deemed appropriate, to simplify the prescribed procedure.

3. The Turkish Government agrees that the Social Ministry or its authorized agency may dispatch a Commission to Turkey for the purpose of recruiting Turkish workers. The Commission's working expenses shall be borne by the Social Ministry or by the authorized agency; premises, and the necessary furnishings and fittings, shall be provided by the Employment Authority. The Employment Authority shall facilitate the installation of the Commission and shall assist it in the performance of its duties.

Article 3

1. The Commission shall deliver to the Employment Authority offers of employment from employers seeking unnamed workers. The offers, which must be made in a form approved by the Social Ministry and the Employment Authority, must contain all information needed by the prospective workers, including, in particular, information concerning the qualifications required, the type and duration of the prospective employment, the gross and net remuneration, and other conditions of employment. They must also contain information concerning the availability of living accommodations for the worker.

2. The Employment Authority shall immediately inform the Commission whether workers are available for the stated vacancies and in what numbers.

3. If the demand can be met, the Employment Authority shall without delay bring the offer to the notice of the workers.

Article 4

1. The Employment Authority shall, by its own procedure, collect applications for employment and make a preliminary selection from among the applicants. It shall scrutinize the qualifications of the applicants and investigate whether these meet the requirements for the stated vacancies. It shall arrange for the applicants chosen at the first selection to be medically examined. Applicants found to be physically fit shall be referred to the Commission by the Employment Authority. The Employment Authority shall inform the Commission of the personal particulars and the occupation of all applicants.

2. The Commission shall in turn determine whether the applicants selected by the Employment Authority meet the requirements for employment, and in particular whether they are qualified and physically fit for the work offered.

3. After completion of the examination, a decision shall be taken on whether the applicant is to be engaged. The decision shall be made by the Austrian employer,

who may delegate his authority to an agent or to the Commission. The Commission shall inform the Employment Authority of the decision as soon as possible.

4. In respect of every Turkish worker who is accepted, a contract of employment evidencing his engagement and the conditions of his employment shall be drawn up through the completion, in the German and Turkish languages, of a form corresponding to annex X¹ to this Agreement. The contract of employment shall be signed by the Austrian employer or his authorized agent and by the Turkish worker, and shall then be stamped "Seen" by the Employment Authority and by the Commission. The Commission shall deliver two copies of the contract of employment to the Employment Authority. A certificate assuring the issuance of a permit to work in Austria shall be attached thereto.

Article 5

The Commission may also deliver to the Employment Authority offers of employment made to specific Turkish workers designated by name on grounds of a personal relationship. The foregoing shall apply, in particular, to family members within the meaning of Turkish law and to persons who already have a personal relationship with an Austrian employer by reason of previous employment. The Employment Authority reserves the right to reject offers if it suspects action by an unlawful agency. The Commission shall deliver to the Employment Authority a form corresponding to annex X to this Agreement, completed in the Turkish and German languages. This contract of employment shall be signed by the Austrian employer or his authorized agent and by the Turkish worker, and shall then be stamped "Seen" by the Employment Authority and by the Commission. The Commission shall deliver two copies of the contract of employment to the Employment Authority. A certificate assuring the issuance of a permit to work in Austria shall be attached thereto.

Article 6

1. Apart from the offers forwarded to it for the recruitment of workers, the Employment Authority may deliver to the Social Ministry lists of workers seeking employment in Austria. The lists must give adequate information concerning the personal particulars of the applicants, their training, their previous occupation in Turkey, and the type of employment they wish to obtain in Austria.

2. If any worker named in such a list is to be engaged, notice thereof shall be forwarded to the Employment Authority, together with the documents mentioned in article 4, paragraph 4.

¹ See p. 144 of this volume.

Article 7

The terms of the contract of service laid down in article 9, paragraphs 2 to 4, and article 10, paragraphs 1 and 2, are included in annex X to this Agreement.

Article 8

1. The Employment Authority shall deliver to the worker a copy of the contract of employment and the certificate assuring the issuance of a permit to work in Austria.

2. The Employment Authority shall inform the competent Austrian diplomatic or consular authority in Turkey of the names and personal particulars of Turkish workers selected for employment in Austria. It shall deliver to the said Austrian authority, for each worker, an official certificate of good character and a certificate of freedom from infection. The certificate of freedom from infection, which must be issued by the competent medical officer of the Turkish public health service, shall confirm that the applicant is free from communicable diseases and is not a carrier of bacilli and shall also contain a confirmation that no notifiable communicable disease has been reported in his previous place of residence or, in the case of larger communities, in his immediate neighbourhood. The certificate of freedom from infection shall be valid only if the applicant crosses the frontier within fourteen days following its date of issue. If his departure is delayed, the certificate of freedom from infection may be renewed by a public medical officer, provided that such medical officer has personally satisfied himself, by examining the applicant and by inquiring of the public medical officer of the applicant's last place of residence, that no notifiable communicable disease exists.

3. The Employment Authority shall ensure that the employee holds a valid passport with the necessary transit visas valid for a sufficient period.

4. The competent Austrian diplomatic or consular authority shall issue the necessary visas for entry into and residence in Austria to persons named by the Employment Authority, provided that they are in possession of valid Turkish passports and no grounds exist under the Austrian Passports Act for refusing such visas. Entry must take place not later than fourteen days following the issue or renewal of the certificate of freedom from infection.

Article 9

1. The Commission shall organize and regulate the travel to Austria of workers referred to it by the Employment Authority and approved by the Commission. It shall also ensure that the workers receive a supply of food sufficient for the entire journey or an equivalent amount in cash. The Employment Authority shall, by arrangement with the Commission, inform the workers of the date of departure.