

No. 9973

**BELGIUM
and
TUNISIA**

**Convention concerning the employment and residence
in Belgium of Tunisian workers (with annexes).
Signed at Tunis on 7 August 1969**

Authentic text: French.

Registered by Belgium on 22 October 1969.

**BELGIQUE
et
TUNISIE**

**Convention relative à l'emploi et au séjour en Belgique
des travailleurs tunisiens (avec annexes). Signée à
Tunis le 7 août 1969**

Texte authentique : français.

Enregistrée par la Belgique le 22 octobre 1969.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN TUNISIA AND BELGIUM CONCERNING THE EMPLOYMENT AND RESIDENCE IN BELGIUM OF TUNISIAN WORKERS

The Tunisian Government and the Belgian Government, in the spirit of friendship and co-operation which distinguishes their relations,

Wishing to regulate and develop their relations as concerns labour matters and to facilitate the immigration of Tunisian workers to Belgium,

Desiring to establish and develop co-operation as concerns adult vocational training,

Have agreed on the following:

Article I

The Tunisian Government undertakes to adopt all appropriate measures to facilitate the emigration of its nationals who wish to settle in Belgium in order to take up employment there.

The Belgian Government undertakes to facilitate the installation in Belgium of Tunisian nationals who wish to take up employment there.

Article II

The competent Belgian authorities shall transmit to the competent Tunisian authorities collective or individual offers of employment from employers or employers' associations to persons named or unnamed, specifying the conditions for engagement and the aptitudes required of applicants.

In the case of recruitment of a group of fifteen or more workers, the offer of employment shall indicate, in addition to the conditions for engagement and the qualifications required, the exact number of workers to be recruited, the foreseeable duration of employment in Belgium and the conditions of living accommodation for the workers.

The competent Belgian authorities shall provide the competent Tunisian authorities periodically with documentation on working conditions, on wages, on social benefits, on the social contributions and taxes deducted from remuneration and on the respective obligations of the parties arising out of the contract of employment.

¹ Came into force on 7 August 1969 by signature, in accordance with article XX.

Article III

The selection and recruitment of Tunisian workers shall be organized by the authorities of the Secretariat of State for Youth, Sports and Social Affairs of Tunisia in collaboration with the authorities of the Ministry of Employment and Labour of Belgium.

The last-mentioned authorities may delegate responsibility for such collaboration either to the Belgian diplomatic mission at Tunis or to duly authorized representatives of employers or employers' associations established in Belgium.

Selection shall be made on the basis of the following factors:

- (a) Applicants must be not less than twenty and not more than thirty-five years of age at the time of recruitment, that is to say, at the time when they sign the first contract of employment.

The maximum age may be increased to forty years in the case of suitably qualified workers.

- (b) They must be in good health. A medical examination shall be carried out by physicians appointed by the Tunisian Government. The medical examination shall include a general examination of the applicant, and X-ray of the lungs and a blood test.

A medical form, corresponding to the model annexed to this Convention shall be completed for each applicant found to be fit. It shall bear a photograph of the applicant. The costs of this medical examination shall be borne by the Tunisian Government.

A corroborative examination may be carried out by a physician appointed by the competent Belgian authorities. The costs of this examination shall be borne by the Belgian employers.

- (c) Occupational selection of applicants shall be made with due regard to the conditions specified in the offers of employment and on the basis of physical fitness, of the occupational experience of the applicants or of certificates relating to their training.

- (d) Applicants must not have been sentenced to imprisonment on serious grounds.

Article IV

The Tunisian authorities shall forward a list of the applicants selected to the competent Belgian authorities.

The latter authorities shall ensure that the contracts of employment are drawn up and signed by the employer or his representative.

The Tunisian authorities shall ensure that the contracts of employment are signed by the workers concerned and shall issue such documents as are necessary to enable the workers whose names appear on the aforementioned list to leave the territory.

The Belgian diplomatic or consular authorities shall, upon presentation of a passport, a certificate of good character and a copy of the contract of employment, issue to the said workers provisional permits for residence in Belgium.

Article V

The engagement of Tunisian workers shall be by individual contract corresponding to the model contract of employment annexed to this Convention.

The contract of employment shall be drawn up in quintuplicate and shall state the respective rights and obligations of employers and workers. It shall, as a minimum, conform to the conditions set forth in the specimen contract of employment annexed to this Convention.

One copy shall be for the employer, one for the worker, two for the competent Tunisian authorities and one for the Belgian diplomatic and consular authorities.

Article VI

The Tunisian authorities shall issue such documents as are necessary to enable the worker to leave the territory, including the passport and the certificate of good character. They shall ensure that a certificate indicating his marital status and the composition of his family is drawn up with the minimum delay.

Article VII

The Belgian Government shall ensure that the best possible transport arrangements are made for the Tunisian workers who are engaged.

The costs of travel and accommodation from the place of embarkation in Tunisia to the place of employment in Belgium shall be borne by the Belgian employers. The Belgian Government shall likewise ensure that this provision is implemented.

Article VIII

The workers engaged may begin work immediately on arrival in Belgium. The employer shall apply for an employment authorization within three working days, attaching to the application a copy of the individual contract.

The competent Belgian authorities shall immediately issue the employment authorization and a work permit. They shall be valid as from the date on which work was begun.

The competent Belgian authorities shall also issue the necessary residence permits.

The administrative costs involved in obtaining these documents shall be borne by the Belgian employers.

Article IX

All appropriate measures must be taken by the employers to adapt the workers, if necessary, to the work to which they are assigned and to give them all relevant information regarding work rules, safety standards and the submission of any claims.

Article X

1. In case of unjustified termination of the contract by the worker, the employer shall cause the worker to sign a document stating that he wishes to terminate his contract.

The necessary arrangements shall be made to repatriate the worker at his own expense, without prejudice to such rights as the employer may assert against him under Belgian law. The same shall apply in case of justified termination of the contract by the employer.

2. In case of justified termination of the contract by the worker, the latter may conclude a new contract with another enterprise in the same sector, without prejudice to such rights as he may assert under Belgian law.

3. In case of unjustified termination of the contract by the employer, the worker may, without prejudice to such rights as he may assert under Belgian law, sign a new contract with another enterprise in the same sector or, if he so desires, be repatriated at the expense of the employer.

4. In case of transfer from one enterprise to another in the same sector by mutual agreement among all the parties concerned, the new employer shall be substituted for the former employer as concerns performance of the contract.

Article XI

Upon expiry of the contract corresponding to that which is annexed to this Convention, a Tunisian worker may remain in Belgium, provided that he is reemployed in the same sector.

Article XII

Tunisian workers who have settled permanently or temporarily in Belgium shall enjoy equality of treatment with Belgian workers as concerns social benefits and working conditions.

They shall receive the statutory family allowances in respect of children living in Belgium; children who are being brought up in Tunisia shall benefit from the general measures adopted in this connexion.