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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Reports submitted in accordance with Council resolution 1988 (LX)
by States Parties to the Covenant concerning rights covered by
articles 6 to 9

TUNISIA

/13 September 1977/

I. Right to work (article 6)

In Tunisia the right to work, although no specific reference is made to it in the Constitution, finds its most concrete and effective reflection in the Government's economic and social policy, which has always emphasized the creation of employment opportunities, quite rightly regarded as the prime objective of any development policy based upon satisfying man's essential needs.

The Fifth Economic and Social Development Plan 1977-1981 approved in July 1977 by the National Assembly considers "the achievement and maintenance of full employment of the economically active population" to be the main goal of the next phase of development.

Many means of achieving that objective are being applied:

1. Directing investment towards the productive, labour-intensive sectors (textiles, construction, tourism, irrigated crops, etc.).
2. Establishing a set of mechanisms to promote employment (rural development programme, industrial promotion and decentralization fund, encouraging foreign investment, establishing real estate agencies to develop plots and zones for residential purposes and for tourist and industrial establishments).
3. Developing and extending irrigated agricultural areas by building a large number of dams.

This policy should not only enable the country to become self-sufficient in food but also generate permanent and productive employment.

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4. Researching ways of bringing training more closely into line with employment opportunities, since economic development during the Fifth Plan will increase the demand for skilled labour.

5. Improving knowledge of the problem of employment and the quality of available statistical information.

The Fifth Plan should contribute to improving knowledge of the relationship between employment and training and the conditions of access to employment and to the study of means of improving the conditions under which young people start their working life.

6. Affirming, in all collective agreements and in all staff regulations, the principle of the equality of men and women as regards both the acquisition of education and vocational training and access to employment.

This equality also extends to conditions of remuneration and advancement for work of equal value.

Before concluding this first part on the right to work, it should be pointed out that as a consequence of Tunisia's growing interest in overcoming the problem of employment the Tunisian Minister of Social Affairs, Mr. Mohamed Ennaceur, was elected president of the World Conference on Employment held at Geneva from 2 to 17 June 1976.

II. Right to just and favourable conditions of work

The Tunisian Government has always considered that the creation of employment opportunities and the improvement of workers' working and living conditions are two closely interrelated objectives.

In addition to the effort to create new employment in the various sectors, a number of measures are taken each year to ensure workers better conditions of work and remuneration.

Accordingly, emphasis is placed on the role of the enterprise, which, through its planned and integrated social policy, tends to become the basic unit promoting the social welfare of workers and their families.

The fact is that in addition to their economic function - the production of goods and services - Tunisian enterprises now have a social function, namely, to transform the environment and the framework within which their human capital - the worker - live.

In addition, it should be pointed out that Tunisia is one of the very few countries in the world to have ratified 52 international labour conventions and that two thirds of these conventions relate to such matters as safe and healthy working conditions, wages, paid leave and minimum working age.

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Of the many measures designed to bring about better working and living conditions for wage-earners, attention should be drawn to the following:

1. Promulgation of a Labour Code in 1966.
2. Adoption of several dozen collective agreements and staff regulations covering nearly all the different sectors of the national economy.
3. Institution of a guaranteed minimum wage in both agricultural and non-agricultural sectors.
4. Periodic negotiated review of wages on the basis of changes in the cost-of-living.

This review takes place with the active participation of all social partners.

5. Diversification of the range of bonuses and allowances to reflect more accurately the specific working conditions in each activity and to encourage productivity.
6. Extension of the 40-hour work week and of one month's annual leave with pay to most economic activities.
7. Establishment of special leave for family reasons: marriage, death, birth and so forth.
8. Establishment of social funds in public enterprises and commercial distributing companies.

These social funds are designed to establish or subsidize social services for the benefit of workers and their families.

9. Improvement of health and safety conditions within the enterprise.

The Tunisian Government has adopted a very large number of regulatory texts designed to consolidate health and safety measures in enterprises, especially those whose activity and means of production entail particular risks to workers' health and safety.

Numerous institutions have been established to promote better health and safety conditions for workers in enterprises; these include health and safety committees, the Tunisian Association for the Improvement of Working Conditions in Enterprises, the Labour Inspectorate and others.

In addition, Tunisia participates in the International Programme for the Improvement of Working Conditions and Environment (PIACT) which was launched in 1976 by the International Labour Organisation.

10. The promotion of sports and recreational activities for the benefit of workers through the establishment of the Tunisian Association for Sports, Culture and work.

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III. Trade union rights

Article 8 of the Tunisian Constitution proclaims that "the right to form trade unions is guaranteed".

In addition, Book VII, Chapter I, of the Labour Code defines the purpose, rights and obligations of occupational associations.

No prior approval or consent of the public authorities is required for the establishment of a trade union.

Moreover, in ratifying International Labour Convention No. 87 concerning freedom of association and protection of the right to organize, Tunisia has pledged to guarantee and respect the legal exercise of that right.

Workers and employers, without distinction of any kind, are entitled, without prior authorization, to establish and to join organizations of their choice.

Workers' and employers' organizations have the right to establish and to join federations and confederations and any trade union organization has the right to join international workers' and employers' organizations.

The principles of trade union freedom and non-discrimination with respect to trade unions are expressly affirmed in all collective agreements and in all staff regulations, in other words, in all sectors of the economy, including the civil service.

The right to strike may be exercised in practice although it is not mentioned in legal or regulatory provisions.

The only restriction on the right to strike is laid down in section 389 of the Labour Code, which states that "where a strike or lockout that is to be or is already being staged is likely to be prejudicial to a vital national interest, a decision may be taken by decree to requisition the establishment or the workers it employs".

This corresponds to the restriction accepted by ILO in the case of a strike in an essential service the interruption of which would endanger the existence or well-being of the population.

IV. Right to social security

In Tunisia, the right to social security has evolved along two lines:

The range of social benefits has been diversified;

Social security benefits have been extended to all categories of workers in all sectors of the economy.

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Existing social security schemes are subdivided into four branches:

Family benefits (family allowances, allowances for maternity leave, allowances for leave taken by young workers);

Social insurance (sickness, maternity and death benefits and nursing allowance);

The retirement scheme (old-age, invalidity and survivors' pensions);

The scheme governing compensation for industrial accidents and occupational diseases.

In addition, it should be noted that the existing social security system - increasingly takes into account the Government's concern with respect to population policy, incomes policy and the creation of employment opportunities.

The Government's concern regarding birth control has been evident since the start of the last decade.

For example, Act No. 60-30 of 14 December 1960, respecting the organization of social security schemes, limits family allowances to the first four dependent children.

Act No. 75-82 of 30 December 1975, adjusting the amount of the allowance according to whether the child is the first, second, third or fourth, reflects this same concern.
