



TUNISIA

country study 2015



CONTENTS

Introduction	3
1. How to read this FWF country study	3
2. General country information	4
2.1 Economic indicators	4
2.2 Social, political & governance indicators	4
2.3 Income and poverty	5
2.4 General human rights situation	5
3. Stakeholders	6
4. Garment Industry Overview	8
5. Industrial relations	9
6. Implementation of the FWF Code of Labour Practices	11
6.1 Employment is freely chosen	11
6.2 No discrimination	12
6.3 No child labour	13
6.4 Freedom of association and the right to collective bargaining	15
6.5 Payment of a living wage	17
6.6 No excessive working hours	19
6.7 Occupational health & safety	20
6.8 Legally binding employment relationship	21
Sources used in this country study	24

INTRODUCTION

Since its 2011 revolution, Tunisia has witnessed profound changes in its politics. One of the main fields of change is an increase of diverse NGOs.

As an NGO, Fair Wear Foundation (FWF) has been investigating major areas of non-compliance in Tunisian textile/garment companies in the following points of interest: legally-binding work relationships, working conditions, freedom of association, the right to collective bargaining, and living wages. Compliance in these areas is designed to reduce the level of turnover, protect workers, enhance social dialogue and allow trade unions, as well as increase the level of wages to an amount deemed fair and liveable.

Tunisia has been home to some of FWF's earliest members. In fact, FWF has been active with an audit team in Tunisia since 2004. FWF conducts approximately ten audits annually. The audit team has remained fairly consistent, allowing FWF to build on both its knowledge of the country and the working conditions within the garment industry.

To date, 13 member companies of FWF source from 50 different Tunisian factories. The type of garments produced in these factories range widely: they produce jeans and overalls, shoes, shirts, and knits; and are designed for companies specialising in fashion wear, work attire and outdoor garments.

FWF also offers training sessions for both workers and employers. Given the title of the Workplace Education Programme (WEP), these training sessions take place in the factories themselves and are designed to improve workplace communication and conflict resolution.

1. HOW TO READ THIS COUNTRY STUDY

This country study should provide a clear and concise picture of labour laws and conditions, as well as industrial relations within Tunisia's garment industry. This study provides information about national laws in combination with local stakeholders' views on labour issues. If you would like to learn more on which stakeholders are interviewed for this study, please [click here](#).

Chapter 2, General Country Information. This section describes the economic, social, and political situation of Tunisia. By using international indicators, we attempt to compare (where possible) the country to other garment-producing countries in the area, especially in the area of human rights.

Chapter 3, Stakeholders. This section introduces the main stakeholders who are active in the garment/textile industry. Stakeholders are those who have an actual impact on labour conditions or play an active role in monitoring the quality of care for workers. This chapter serves as a reference point for brands that want to consult a local stakeholder to find further information concerning their activities in Tunisia.

Chapter 4, Garment industry. This section presents an overview of the garment industry in Tunisia, including areas of production and items produced.

Chapter 5, *Industrial relations*. This section describes the country's trade union situation, both in general and specifically for the garment industry. This chapter provides important information for understanding how well challenges regarding working conditions are handled through the country's social dialogue, and what the social dialogue currently is.

In Chapter 6, *Implementation of the FWF Code of Labour Practices*. This section discusses the standards of the FWF Code of Labour Practices, including how the industry is assessed on compliance (where available), laws and regulations, and includes stakeholder views on implementation. It also contains the FWF audit findings over the last three years, as well as examples of complaints received by FWF. This section is intended to be a resource for auditors as well as brands that are monitoring labour practices.

2. GENERAL COUNTRY INFORMATION

Situated on North Africa's picturesque Mediterranean coast, Tunisia is home to 10.9 million citizens. It is also among the world's leading suppliers of clothing, an industry that supplies trousers, jeans, T-shirts, work attire, and swimwear mostly for those living in the European Union (EU). For those in Europe pulling on jeans or cuffing their sleeves in say, France or Italy, the chance is high that those garments originated in Tunisia.

Employing more than 250,000 individuals¹, the textile/garment industry is key in economic growth. Nearly eighty-percent of imports in the textile/garment industry is in the EU. Considered as a relevant sector in Tunisia in terms of exports, foreign investment, and employment, the textile/garment sector is the second exporter among Tunisian manufacturing industries, representing 19% of total exports (CEPEX, 2013). Two of the garment key organizations are the Tunisian General Union of Workers (UGTT), and the Tunisian Union of Manufacturing, Trade and Handicrafts (UTICA). The UGTT and the UTICA are the main stakeholders in collective bargaining.

2.1 Economic indicators

In 2013, Tunisia recorded a GDP of \$ 47.13 billion² compared to \$ 104.4 billion for Morocco and \$ 820.2 billion for Turkey. Tunisia's Human Development Index (HDI) (0.721) is higher than that of Morocco (0.616) but lower than that of Turkey (0.759)³. HDI indicates the composite of a country's life expectancy, education and income.

2.2 Social, political & governance indicators

Tunisia had made tremendous improvements in governance since its 2011 Revolution, which resulted in a democratization of the country. Indeed, its democracy score has gained 33 points from a previous ranking given in 2008-2009. On a democratic ranking of 115 countries Tunisia is ranked as number 72. It ranks before Morocco (number 97) and after Turkey (number 61). Table 1 displays four major governance indicators for Tunisia, Morocco and Turkey:

¹ INS, 2014.

² World Bank, 2014.

³ UNDP, 2013.

Table 1- Governance indicators-Tunisia, Morocco and Turkey (2013)

	Tunisia	Morocco	Turkey
Democracy score ⁴ / Rank (2011/2012)	52.3/72	44.6/97	54.9/61
Rule of law indicator	48.8	47.4	55.9
Control of corruption	54.1	46.4	61.7
Government effectiveness	55	51.7	65.6

Source: World Bank, 2013. bargaining.

2.3 Income and poverty

How equally income is distributed throughout a country to its residents is measured by a Gini index where 0 represents perfect equality and 100 implies perfect inequality. Table 2 shows the Gini index of Tunisia, Turkey and Thailand. Tunisia is slightly better ranked in income equality compared to Turkey and Thailand.

Table 2- Gini index- Tunisia, Turkey and Morocco

	Gini index (2010)
Tunisia	35.8
Turkey	38.8
Thailand	39.4

Source: World Bank.

Nearly 15.5% of Tunisia's population (an estimated 1.7 million individuals) lives below the national poverty line⁵. This displays a high level of poverty, with 4.5% of the population living on less than \$2.00 per day. In Turkey this is 3.1%, and in Morocco it is still higher at 14.2% of the population living on less than \$2.00 per day⁶.

2.4 General human rights situation

Since the recent Arab Spring, there have been significant changes in Tunisian law in terms of human rights protection. The government ratified key international human rights treaties, including the Optional Protocol to both the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture; as well as the International Convention against enforced disappearance; and the Rome Statute of the International Criminal Court⁷. The rights of victims of human rights violations have been increased, but at the same time Tunisia's trade union leaders have been threatened as recently as 2014.

4 Campbell et al. (2013), www.democracyranking.org.

5 INS and World Bank, 2014.

6 World Bank, 2014

7 Tunisia's Amnesty International report, 2012 (<http://www.amnesty.org>).

In another effort to boost equality, Tunisia's government turned its attention to gender, adopting the principle of parity between women and men in elections and in accordance with the new constitution. As stated: "...*The state seeks to guarantee women's representation in elected bodies.*" (Art. 34). In practice the numbers of men running for office are higher than the numbers of women. However, one recent achievement has been Tunisia's new support of the Committee to Eliminate All Forms of Discrimination Against Women (CEDAW). This development was made possible by the activism of NGOs, especially the Tunisian Association of Democratic Women (ATFD) and the Tunisian Human Rights League (LTDH)

3. STAKEHOLDERS

This section briefly introduces a number of active stakeholders in the garment/textile industry in Tunisia. The focus is on stakeholders who are actively part of forming the labour conditions or monitoring situations for workers.

Do you want to know which stakeholders we consulted for this country study? [Click here.](#)

GOVERNMENTAL INSTITUTIONS

Providing advice and expertise for the textile/garment industry, the Textile Technical Centre (CETTEX) was created in 1991. It seeks to maintain quality and provides analysis for brands. It also implements a Quality Management System for companies that want certification. In addition, it conducts feasibility studies for industrial projects in textile/garment industry, as well as offers professional training sessions through its Integrated Centre for Continuous Training (CCT). The CCT focuses on sewing, the use of LECTRA, cutting, fashion and modelling. Finally, CETTEX supports foreign partners in their search for business opportunities.

The Exportations' Promotion Centre (CEPEX) is aimed mainly at the development of Tunisian products and services abroad by promoting Tunisian high-performance products and services for export, promoting products abroad, and providing training programs in international business.

The General Direction of Labour Inspection and Conciliation (GDLIC) is one of the five services in the department of the Ministry of Social Affairs. Spokespersons regularly give their opinions on labour issues including international labour standards, wages, professional classifications, social climate and collective bargaining (Art. 335, Labour code).

EMPLOYERS ORGANISATIONS

The main employers' organisations related to textile/garment industry in Tunisia is the National Federation of Textile (FENATEX; www.fenatex.org.tn), a part of the Tunisian Union of Manufacturing, Trade and Handicrafts (UTICA, www.utica.org.tn). One of the main objectives of FENATEX is to improve the economic and institutional environments of companies in textile and garment industry.

FENATEX is made of three components: the textile component, the clothing component and the trade component. Textile and garment companies are mainly represented by the clothing component, which is in charge of eight fields including jeans, sportswear, workwear and uniforms. Recently, FENATEX added two more chambers, one that specialized in export and the other in Haute Couture. FENATEX could improve upon its policies by allowing companies exporting their products to have better representation and support within the export trade.

TRADE UNIONS

As mentioned in the introduction, the garment workforce's key trade union is the Tunisian General Union of Workers (UGTT www.ugtt.org.tn). The UGTT is the main stakeholder in collective bargaining, as both unions are active in negotiating working conditions and representing the interests of the employees.

Founded in 1946, the UGTT is the central trade union at 750,000 members strong. The UGTT is organized through national and regional structures (industry federations, regional unions, local unions, basic trade unions), and provides commissions to allow better collaborations for parties of interest such as working youth or workingwomen.

The UGTT was nominated for the Nobel Peace Prize in 2014 by four Tunisian universities for its work in breaking a deadlock between two political parties during a Tunisian political crisis.

As recently as May 2011, the Union des Travailleurs Tunisiens (UTT, www.utt.tn) was established⁸. The FWF audit team in Tunisia has been in contact with this trade union at garment factories while conducting its audits.

LABOUR NGOS

An important NGO pioneering the defence of women's rights is the Tunisian Association of Democratic Women (ATFD). ATFD seeks to analyse current regulations and to abolish any form of discrimination against women. It does this by exposing stakeholders to the necessity of improving social conditions for women, allowing equal opportunities in health, education, labour and professional training.

In 2012, the ATFD set up the National Observatory for Equality of Chances and Citizenship for Women. Its main goal is to detect any kind of political, economical, social or cultural discrimination against women and to promote concrete actions to achieve equal opportunities between men and women. The observatory focuses on marginalized women in order to shed light on their economic and social rights. Women experiencing work discrimination, lay offs because of economic difficulties, or women who simply face unemployment are able to bring their questions and concerns to the observatory through its centre of listening and coaching. The observatory is also concerned with empowering women to become participants in the Tunisian democratic transition process.

⁸ The Union of Tunisian Workers

4. GARMENT INDUSTRY

ORGANISATION OF THE GARMENT INDUSTRY

The textile/garment industry is made up of five major components: spinning, weaving, clothing, hosiery and finishing. In 2013, the industry was made up of 1,860 companies employing 10 or more people. These companies represent 32% of the total number of manufacturing companies in all other industries. Near 80% of all textile/garment companies export their products to EU⁹. The textile/garment industry is the second largest exporter in Tunisia (and comprises 19% of Tunisia's total exports). The amount of exports reached \$2,725 USD or 5217 MTND (Tunisian dinar) in 2013. 95% of Tunisian exports go to the EU¹⁰.

Throughout the last 40 years the textile/garment industry has witnessed several changes. The main strategic changes were made as recently as 2000, when Tunisia chose to promote vertical integration (when a supply chain is owned by the manufacturing company), as well as products such as high end, professional and technical clothing. Its capacity to adapt has given the textile/garment industry a prominent place among Tunisian manufacturing industries. Despite the economic depression and the unstable political climate in Tunisia, the textile/garment industry recorded a 6% growth in exports¹¹ in 2013.

MAIN EXPORTS FROM GARMENT INDUSTRY

Tunisia's main textile/garment exports are trousers and jeans, T-shirts, workwear, underwear, pullovers and dress shirts. Table 3 gives an overview of the value of exports by product.

Table 3- Exported products in Textile/garment industry (2012)

Products	In MTND (Tunisian dinar)
Trousers and jeans	642.7
T-shirts	506.7
Workwear	362.5
Underwear	266.8
Pullovers	244.5
Dress shirts	204.9
Swim wear	132
Coats and jackets	46.5
Baby Clothing	33.2

Source: CEPEX, 2013.

⁹ Source: Agency for the Promotion of Industry (API), 2013.

¹⁰ Source: CEPEX, 2013.

¹¹ CEPEX, 2014.

MAIN AREAS FOR GARMENT PRODUCTION

According to the latest statistics of the National Institute for Statistics (INS), the main workforce in the textile/garment industry is concentrated in coastal regions including cities Monastir (26.5%), Tunis (18.3%), Nabeul (14.3%) and Bizert (10.4%).¹²

PERCENTAGE EMPLOYED IN GARMENT INDUSTRY

In the private sector, the textile/garment industry is providing the highest number of jobs in Tunisia. In 2012 the industry employed 172,596 workers¹³. This number represents 34% of the Tunisian workforce in private manufacturing industries, and almost 17% of total workers.

SOCIAL COMPOSITION OF THE GARMENT WORKFORCE

All though it is difficult to get exact statistics on the garment workforce, it is generally accepted that women compose about 80% of the total workforce. Many workers have very short-term contracts of just a few months, reducing workers' job security.

5. INDUSTRIAL RELATIONS

ORGANISATION OF EMPLOYERS AND TRADE UNIONS IN THE GARMENT SECTOR

In general, regarding the freedom of association, the right to collective bargaining and the right to strike, Tunisia is not among high-risk countries. Since its 2011 revolution, Tunisian workers have gone more frequently on strike without police interventions. In addition, collective bargaining, were held with a prior dialogue with UTICA.

Nevertheless, there are occasional problems within this sector, including limitations to workers' right to collective bargaining, meaning negotiating working conditions between employers and employees. According to the International Trade Union Confederation's (ITUC) Annual Survey of Trade Union Violations report published in 2013 (www.ituc.csi.org), both workers in export processing zones and domestic workers are excluded from the right to bargain collectively. Actually, unionists have raised the issue of the rights of workers in export processing zones (i.e. in Bizert or Zarzis). They indicated that laws should be changed to integrate this category of workers in collective bargaining. These workers should be equally entitled to discuss working conditions with their employees.

Another area of concern is death threats that have been made to the general secretary of the UGTT¹⁴.

UNION DENSITY IN TUNISIA

There are 700,000 unionized workers at the UGTT and nearly 35,000 workers are unionized in textile/garment industry. This represents no more than 18% of workers (Textile, Garment, Shoes and Leather Worker Federation, 2014).

¹² INS, 2014.

¹³ API, 2014.

¹⁴ ITUC's report, 2013.

According to a UGTT representative, this percentage is too low. He argues that this percentage does not fit the efforts made by the UGTT in bargaining with stakeholders (UTICA and government). Without exception, an increase in minimum wage will be beneficial for all the workers.

COLLECTIVE BARGAINING AGREEMENT COVERAGE IN COUNTRY

Virtually all economic activity within 51 Tunisian industries and services are covered by collective bargaining agreements.

COLLECTIVE BARGAINING AGREEMENT (CBA) COVERAGE IN GARMENT INDUSTRY

In practice, CBA coverage in the textile/garment industry applies to roughly 20% of the workers (Textile, Garment, Shoes and Leather Worker Federation, 2014). Moreover, many of articles within the CBA are not applied and the degree of compliance to the CBA is different from one company to another. It remains an issue that every worker in every company should be aware of his or her rights.

LOCAL GRIEVANCE MECHANISMS FOR WORKERS

Labour Inspection regulates laws within companies. Aside from this mission, it also plays a role in conciliation when there are strikes or lockouts. A strike or a lockout must be reported within 10 days to involved stakeholders, including UGTT, UTICA and the regional conciliation committee. Labour Inspection asks different stakeholders to find a solution as soon as they are notified. According to the GDLIC 80% of the cases are resolved.

Individual labour conflicts are submitted to labour courts (Art. 183- 232, Labour code). The labour inspectorate doesn't provide grievance procedures or mechanisms to deal with individual conflicts. Consequently, the sole way to resolve disputes is to appeal to the court. In practice, however, when encountering these kinds of conflicts workers are often informed and oriented (informally) by their regional labour inspectorate.

STATE ROLE IN INDUSTRIAL RELATIONS

Problems between employer and employees must be submitted to the Company Consultative Committee (CCC), a consultation mechanism used to avoid labour disputes, allowing them to be settled out of court. CCC has the mission to find solutions using discussions and compromises.

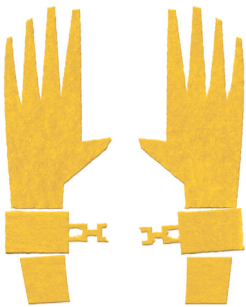
If conflicts are not resolved at the company level through the CCC, there is a second solution to solve the problem out of court. The employer and employees can involve the Regional Conciliation Board or the Regional Labour Inspection (Art. 376-bis, Labour code). In practice it is also possible for employees at the local level (or their trade union representatives) to present a list of request to the Local Labour Inspection. All parties are invited to meet together in order to discuss differing point of views. If agreements are reached, they will be written in an official minutes and sent to different parties. Labour Inspection will follow up on the agreements to avoid possible future disputes. If no agreement can be reached, the conflict is passed to the Regional or the Central Conciliation Committee. The Conciliation Committee then has 8 days from the start of the strike to find a solution (Art. 380, Labour code).

6. IMPLEMENTATION OF THE FAIR WEAR FOUNDATION OF LABOUR PRACTICES

In this section every part of the [FWF Code of Labour Practices](#) is examined by looking at official statistics on compliance (where available), laws and regulations, and analysis on how effectively labour practices are being implemented. This section also includes stakeholder opinions. Each section begins with a quote from the Fair Wear Foundation Code of Labour Practices. Text in italics denotes quotations from relevant laws.

Tunisia is aware of the importance of each labour standard. The governance works to uphold a high standard through labour laws, collective bargaining agreements, and by ratifying the main ILO conventions. In practice however, some labour standards are more of an issue in Tunisia than in other countries. The labour practices with the most issues are the following: low union participation in company consultative committees, low wages in comparison to increasing costs of living, unannounced overtime and improper compensation and social contributions, issues found in terms of workplace safety and accident prevention, and giving workers very short-term contracts of only a few months for years at a time.

6.1 Employment is freely chosen



"There shall be no use of forced, including bonded or prison, labour"
(International Labour Organisation (ILO) Conventions 29 and 105)

LAWS AND REGULATIONS

Articles 6 to 27 of the labour code regulate issues related to the beginning and end date of a labour contract as well as employee obligations.

"...The limited duration contract or the unlimited duration contract ends:

- 1) By the agreement of the two parties*
- 2) By the willingness of one of the parties as a result of a serious fault committed by the other party,*
- 3) In the case of impeding strategy execution resulting from a fortuity case or a case of "force majeure" which had taken place before or in the course of contract execution....*
- 4)" (Extract from article 14 of the labour code, modified by law 94-29).*

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

This standard is fully applied within Tunisia. According to the General Direction of Labour Inspection and Conciliation there are no signs of forced labour in Tunisia. All work is done based on the consent of employees, oral or written.

Two kinds of contracts exist: the limited time contract and the unlimited time contract. Employees who signed limited time contracts for up to four years are considered permanent workers.

Country specific issues:

Tunisia had been a member of the International Labour Organization (ILO) since 1956. It ratified ILO Conventions 29 and 105. Forced labour is a non-issue, neither through economical constraint nor by physical force. Dormitories do not exist in garment companies.

FWF MAIN AUDIT FINDINGS OVER THE LAST THREE YEARS

Recent audit reports do not indicate that forced labour is an issue in Tunisia.

6.2 No discrimination in employment



"In recruitment, wage policy, admittance to training programs, employee promotion policy, policies of employment termination, retirement, and any other aspect of the employment relationship shall be based on the principle of equal opportunities, regardless of race, colour, sex, religion, political affiliation, union membership, nationality, social origin, deficiencies, or handicaps" (ILO Conventions 100 and 111)

OFFICIAL STATISTICS ON COMPLIANCE

In 2013, Tunisia had the highest ranking on a gender-related development index (rank= 116) compared to Turkey and Morocco, which ranked 118 and 132 respectively (UNDP, 2013). In addition, on the global gender gap index it is ranked at 108 on a total of 135 countries. It has a higher ranking compared to Turkey (122) and Morocco (129)¹⁵. Tunisia is a leading country in terms of wage equality between men and women performing similar work, ranked 13th in the world. Morocco and Turkey rank 63 and 102 respectively, based on a sample of 135 countries¹⁶.

LAWS AND REGULATIONS

Equal treatment in employment:

According to the new Tunisian Constitution (article 46), the state guarantees the equality of opportunity between men and women to obtain the same functions in all possible fields.

According to Article 5-bis of the labour code, discrimination between men and women cannot be made under the current labour law, resulting in a difference in wages or in job affectation based upon gender. Employers who are using gender discrimination risk being sanctioned with fines between 24 and 60 TD as a penalty (Art. 234, labour code).

Maternity leave:

There is a protected 30-day maternity leave. This can be extended as needed (up to 15 days), provided the employee has a medical certificate (Art. 64, labour code). If a woman becomes ill due to her pregnancy or childbirth, she is allowed to take a leave up to 3 months without

¹⁵ + ¹⁶ The Global Gender Gap Report, World Economic Forum, 2011.

having her contract ended (Art. 20, labour code). FWF's finding is that most women are able to attain their lawful maternity leave.

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

According to stakeholders, there are no signs of discrimination based on gender or race. According to General Direction of Labour Inspection and Conciliation (GDLIC), the employer recruits or promotes employees solely based on qualifications, skills and productivity and not on gender or race. Having said that there are sometimes jobs that are more convenient for men than women. In the garment industry, for example, the job of cutter is mostly held by men. Women often do not choose this position due to the physical effort needed for such a job.

Even though freedom of association, and especially unionization, is protected by law (Art.165, 166 and 167, labour code, modified by law 94-29, February 21, 1994 and law 2007-19, April 2nd, 2007), union membership in some cases may be jeopardized through dismissals of union participants or an unequal employee promotion policy. This is largely explained by the negative attitude of employers towards labour unions. Union members may face discrimination when the employer has no confidence in union work.

As 95 percent of Tunisia's population is Muslim, most of the time managers are able to find ways to compromise with employees wishing to make their prayers during working hours.

Because racial discrimination does not appear to be a relevant issue in Tunisia, the new Tunisian constitution does not mention any stipulation regarding race.

FWF MAIN AUDIT FINDINGS OVER THE LAST THREE YEARS

Most recent FWF audit reports do not find any significant problems related to worker discrimination.

6.3 No exploitation of child labour



"There shall be no use of child labour. The age for admission to employment shall not be less than the age of completion of compulsory schooling and, in any case, not less than 15 years." (ILO Convention 138) "There shall be no forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour. [...] Children [under the age of 18] shall not perform work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals." (ILO Convention 182)

OFFICIAL STATISTICS ON COMPLIANCE

In Tunisia, 2.6% of individuals between the ages of 5 and 14 are involved in child labour (INS, 2014)¹⁷. The percentage, although not ideal, is well behind other Asiatic countries where the

¹⁷ Survey MICS, Tunisia 2011-2012.

average proportion of child labourers is 12% and far behind Sub-Saharan Africa, which holds an astonishing 27% (UNICEF, 2014).

LAWS AND REGULATIONS

Articles 53 to 63-2 (labour code, modified by law 96-62) deal with legal minimum age to work.

The legal minimum working age in Tunisia is 16 years old; however, exceptions do exist. For example, workers can be as young as 14 if the work is part of a training or study program. This program must be provided by a training school or a professional training program and performed entirely (or in the majority) under the direction of a company. (Article 53-2 of labour code).

Legally, children must attend school until the age of 16 years.

- School attendance: schooling is free and compulsory till the age of 16 years. (Art. 39 of the 2011 Tunisian constitution)
- Proof of age is obtained from the certificate of birth or a national ID card.
- Employers are obligated to file a proof of age of their employees.
- Special protective and educational measures are to be taken by employers when employing juvenile workers, including the following restrictions:

(1) No overtime working hours (Art. 63-2 of labour code added by law 96-62)

(2) Children under the age of 18 cannot perform work that, by its nature or the circumstances in which the work is completed, is potentially harmful to their health, safety or morals. Nevertheless, labour inspection is permitted to authorize children from 16 years and older to perform work with such possible risks only after they have been adequately instructed or trained in the specific industry. Before their authorization, labour inspection must first consult the relevant trade union, employer representative and occupational health inspector (Art. 58 of labour code modified by law 96-62).

STAKEHOLDERS' OPINION AND ANALYSIS ON IMPLEMENTATION

According to all stakeholders that were interviewed, child labour is not a relevant issue in garment companies. Tunisian labour law protects its juvenile workers of 16 years and older, with few exceptions. In addition, workers between the ages of 16 and 18 are protected against work that could potentially harm the child's health, safety or morals. Most of the garment companies do hire workers older than 16, and comply with labour regulation. According to GDLIC, if a hired worker is between 16 and 18, he or she is considered a juvenile worker and is paid no less than 85% of the wage of a regular worker. In the case that the worker is younger than 16, he must sign a special apprenticeship contract. Employers must keep an apprentices' register for workers younger than 18, indicating information such as date of birth, nature of the job, etc. (Art. 59, labour code, modified by law 96-62).

According to trade unions apprentices do work overtime hours, as employees don't often distinguish between apprentices and the other workers when they are planning overtime work. According to one NGO interviewed, cases of juvenile workers working in dangerous conditions were found in the handicraft industry.

FWF MAIN AUDIT FINDINGS OVER THE LAST THREE YEARS

FWF audits have not shown any issues related to underage workers working in Tunisian garment factories. There have, however, been issues related to apprentices who are not properly protected, meaning that they work overtime hours or are engaged in dangerous work.

6.4 Freedom of association and the right to collective bargaining



"The right of all workers to form and join trade unions and bargain collectively shall be recognised." (ILO Conventions 87 and 98)
"Workers' representatives shall not be the subject of discrimination and shall have access to all workplaces necessary to carry out their representation functions". (ILO Convention 135 and Recommendation 143)

LAWS AND REGULATIONS

There are legal provisions for the right to join unions and for collective bargaining:

- (1) Each worker is free to join union without authorization.
- (2) Trade unions are legally recognized, and there is always the freedom to form one (Art. 242, labour code). Trade unions are organized to both investigating and defending economic and social interests of their members (Art.243, labour code).

If a company consists of either between 20 and 40 workers or contains more than 40 permanent workers or personnel, employees may also be represented by the Company Consultative Committee (CCC).

Difficulties that could result in a conflict such as a strike or lockout must be submitted to the CCC (Art. 376, labour code). If a solution cannot be found, the conflict is submitted to the regional bureau of conciliation or labour inspection.

A strike or a lockout must be reported 10 days before its active date to the other party as well as to the regional Bureau of Conciliation (or the regional Labour Inspection).

Unionized employees, CCC members and personnel representative are protected by law. They cannot be fired without the agreement of the Direction of Labour Inspection and Conciliation. The decision of termination of employment must be justified decided by the employer (Art.165, 166 and 167, labour code).

Regulations regarding collective bargaining:

- (1) Collective bargaining is organized at the industry level. 51 industries are concerned, among them the garment industry. Every 3 years there is a collective bargaining process between trade union representatives (the UGTT being the most representative) and employer representatives (UTICA). Labour inspection takes part as a moderator for procedural and financial aspects.

(2) Both freedom of association and the formation of trade unions are guaranteed by the new Tunisian constitution (Art. 35). In addition, the union right including the right to strikes is guaranteed (Art.36). Finally, gathering and pacific marches are also constitutional freedoms (Art. 37)

STAKEHOLDERS' OPINION AND ANALYSIS ON IMPLEMENTATION

Recently, Tunisia ratified the tripartite consultation convention (ILO Convention No. 144) and the collective bargaining convention (ILO Convention No. 154). These ratifications are signs of deep conviction for promoting social dialogue and formal discussion.

Tunisian laws and regulations allow for freedom of association and for the right of collective bargaining. Companies with more than 40 permanent workers must have a Company Consultative Committee, and companies with between 20 to 40 permanent workers must have a personnel representative. In addition, employees are able to freely subscribe to a trade union, and their employers must even provide facilities for meetings. There are also laws protecting workers from abusive lay-offs due to union membership. No lay-off is determined without the agreement of the GDLIC. Trade union representatives in the factory are granted between 20 and 200 paid hours per year to perform their activities and to participate to training sessions organized by their particular trade union. The number of hours granted depends upon the number of employees in the company. The more employees, the more hours granted.

In practice, most of the employers in the garment industry have a negative attitude towards trade unions. Trust can be an issue between trade unions and employers. However, the majority of employees are female and it seems that they often prefer to resolve problems on an individual basis or through the CCC. as an alternative to being involved in a company trade union.

Often the CCC is not established enough to be an affective choice for conflict resolution. According to GDLIC (Tunis), employers would have a better social climate if they chose to cooperate with trade unions and/or the CCC.

FWF MAIN AUDIT FINDINGS OVER THE LAST THREE YEARS

During the course of recent audits, it has been found that the CCC has not been set up for employee use, even if there are more than 40 permanent employees at the factory. In general, in the recently audited factories there seems to be low union activity.

6.5 Payment of a living wage



“Wages and benefits paid for a standard working week shall meet at least legal or industry minimum standards and always be sufficient to meet basic needs of workers and their families and to provide some discretionary income” (ILO Conventions 26 and 131, the Universal Declaration of Human Rights, art 23(3) and art 25(1)). “Deductions from wages for disciplinary measures shall not be permitted nor shall any deductions from wages not provided for by national law be permitted. Deductions shall never constitute an amount that will lead the employee to receive less than the minimum wage. Employees shall be adequately and clearly informed about the specifications of their wages including wage rates and pay period.”

OFFICIAL STATISTICS ON COMPLIANCE

In Tunisia, the minimum legal wage is set at 320 Tunisian dinars (about € 147.2).

More than 15% of Tunisia’s population, 1.6 million of the nearly 11 million men, women, and children live under the poverty line. The region most affected is west-central Tunisia, home to just over 32% of the population¹⁸. This area is also notorious for its informal economy, jobs and workers unprotected by the state. According to the World Bank, 38% of Tunisia’s GDP comes from the country’s informal economy and nearly 40% of labour in the private sector is informal. However, 80% of informal labour pertains to construction industry and trade¹⁹.

A study on the informal sector in Tunisia, conducted by Global Fairness Initiative, shows that over 75% of informal employees earn less than 200 dinars (about € 130) per month, which is far below the minimum wage of 320 dinars per month²⁰.

In 2014, the private sector decided on a wage increase of 6% (aside from the increase of 10 dinars (€ 4.4) in the transportation allowance). This decision will concern 1.5 million of workers in 50 different industries²¹.

LAWS AND REGULATIONS

“Every citizen has the right to work in decent conditions and with a fair wage” (Art. 40, New Tunisian Constitution).

- Wages are regulated by the minimum guaranteed wage called “SMIG”²² (Art. 134-2 labour code) which is the minimum legal wage for all sectors as decided by the industry’s Collective Bargaining Agreement Wage grid (CBAW). The negotiated wage is often higher, making the SMIG figure a point of reference²³.

18 Source: http://www.social.gov.tn/fileadmin/user1/doc/PRINCIPAUX_INDICATEURS_DE_DEVELOPPEMENT2012-fr.pdf

19 Source: www.tunisiensdumonde.com

20 Source : www.tunisia-live.net

21 www.tunisienumerique.com, June 23, 2014.

22 Salaire minimum garanti”

23 It is set at 320 TD (147.2€) accounting from December 2012.

http://www.social.gov.tn/fileadmin/user1/doc/PRINCIPAUX_INDICATEURS_DE_DEVELOPPEMENT2012-fr.pdf

- The CBAW's hourly wage in the garment industry²⁴ is 1,625 dinars (0.74 €) and monthly is 339 dinars (155.94 €)²⁵.
- For more qualified workers, hourly wage varies²⁶ from 2,115 TD (0.97€) to 2,353 TD (1.08€). For the highest category of highly qualified workers in the garment sector, hourly wage varies from 2,364 TD (1.08€) to 2,635 TD (1.21€).
- For company bookkeeping, copies and documents must be kept, not limited to but including the following: wage register (comprised of copies of pay slips delivered to employees), proof of payment of social security contributions, and paid holidays follow-up register (mentioning names and addresses of workers).
- Each employee must receive a pay slip with information that is legally required, such as: the company name, company social security registration number, hours worked corresponding to the paid amount, etc. (Art. 143, labour code).
- According to the garment sector's Collective Bargaining Agreement (CBA), in addition to hours worked, the wage contains allowances (transport allowance) and bonuses served monthly (attendance bonus, basket bonus and assiduity enhancement bonus), or yearly and productivity bonuses.
- By law, wages are deducted in two ways. The first one pertains to social security contributions (where the worker contribution is 9.18% and the employer contribution is 16.57%), and the second one is tax deduction computed according to the level of annual wage by applying the tax scale. The latter was recently modified to provide tax exoneration for workers having an annual income less than 5000 TD.
- Even if the employer gives the employee a salary advance, he is not lawfully able to deduct more than 10% of the due wage (Art.150, labour code, modified by law 96-62).
- An apprentice receives a wage equivalent to 30% of the minimum wage (during the first six months), equivalent to 40% of the minimum wage (after one year). After a year and a half, he or she receives 50% of the minimum wage and 60% after two years. If after two years the apprentice is still between 16 and 18, he or she is considered a "juvenile worker" and will receive 85% of the minimum wage. If older, he or she will be considered a regular worker and will receive 100% of his or her wages.

STAKEHOLDERS' OPINION AND ANALYSIS ON IMPLEMENTATION

Although in the garment industry wages are collectively negotiated and revised every three years, wage levels remain too low to match the basic needs of workers. According to estimations of UGTT representatives, the minimum wage for Tunisian workers should be increased. Based on an estimation of basic needs of an individual living in Tunisia (e.g. basic food like milk, bread, etc.), minimum wage is not sufficient to provide a real living.

According to UGTT trade union representatives, minimum wage estimates could be estimated according to geographic regions and workers' lifestyles (e.g. living with parents or alone).

²⁴ According to the latest CBA wage grid resulting from the collective bargaining held on 2012.

²⁵ Exchange rate: 1 TD = 0.46€ (according to [v](#))

²⁶ Wage variation depends on seniority.

FWF MAIN AUDIT FINDINGS OVER THE LAST THREE YEARS

Recent audits have found that most factories pay above legal minimum wage but below what stakeholders identify as a living wage. This finding has been exasperated by the recent rising cost of living. In a few cases, the wrong Collective Bargaining Agreement (CBA) has been applied when it comes to wages (to the washing sector instead of the clothing sector, for example), or workers are not paid according to what the CBA stipulates. In other cases, workers do not understand how their wages are calculated or the wages are paid later than legally specified.

6.6. Reasonable hours of work



"Hours of work shall comply with applicable laws and industry standards. In any event, workers shall not on a regular basis be required to work in excess of 48 hours per week and shall be provided with at least one day off for every 7-day period. Overtime shall be voluntary, shall not exceed 12 hours per week, shall not be demanded on a regular basis and shall always be compensated at a premium rate." (ILO Convention 1)

LAWS AND REGULATIONS

Legally, a working period cannot exceed 48 hours per week. This period has the possibility to be extended during time periods when the employer has extra activity, but overall the working period cannot exceed 10 hours per day. For the exempted time periods, compensation must be planned within the same year (Art. 79 and 83, labour code, modified by law 96-62).

In the garment sector, 48 hours per week is the rule. Overtime compensated is 75% higher than the regular wage (Art. 90, labour code).

It is illegal for employees to work more than 6 consecutive hours. Employees must have a time break of at least one hour (Art 89, labour code), with the total weekly working period not exceeding 60 hours (Art. 93, labour code).

The labour inspection is permitted to approve overtime hours in the case of an extraordinary activity. These overtime hours must not exceed 10 hours per day. This permit is given after trade union consultation. (Art. 83-2 and Art. 91, labour code).

STAKEHOLDERS' OPINION AND ANALYSIS ON IMPLEMENTATION

According to UGTT representatives, in practice most of the companies don't involve labour inspection committees to get permission for employees to work overtime. At best, employers inform the workers about the overtime hours they expect to be performed. Workers don't often complain about overtime hours as they are not very frequent, and provided that they are paid with the agreed upon 175% rate. Nevertheless, by law companies that don't inform labour inspection (which consult trade unions) have violated provisions regarding overtime work. To be fully protected, employers must plan overtime work in advance and get permission from Labour inspection. This task is easier when the company has a trade union and a company consultative committee.

FWF MAIN AUDIT FINDINGS OVER THE LAST THREE YEARS

In terms of reasonable hours, workers are not often expected to work overtime. However, when they do the hours are often excessive, totalling more than 60 hours per week. Most common of the violations in recent audit reports relate to workers not being informed or given a choice whether or not to work overtime. In many cases, overtime records are not properly maintained, meaning that workers often do not receive the proper overtime premiums that they have a right to receive.

6.7 Safe and healthy working conditions



"A safe and hygienic working environment shall be provided, and best occupational health and safety practice shall be promoted, bearing in mind the prevailing knowledge of the industry and of any specific hazards. Appropriate attention shall be paid to occupational hazards specific to this branch of the industry and assure that a safe and hygienic work environment is provided for. Effective regulations shall be implemented to prevent accidents and minimize health risks as much as possible (following ILO Convention 155). Physical abuse, threats of physical abuse, unusual punishments or discipline, sexual and other harassment, and intimidation by the employer are strictly prohibited."

LAWS AND REGULATIONS

In 1987 Tunisia ratified the Arab Labour Convention on Occupational Security and Health (Convention No. 7).

Health and safety is regulated by articles 152 to 156 and article 161 of labour code (as modified by law 96-62, July 15, 1996 and by law 94-29 February 21, 1994) and article 43 of the Textile and Garment Industry Collective Agreement (2009).

- Each company employing at least 500 individuals must have its own health service. If the number of workers is less than 500, the company must either join a medical work group or set up an autonomous medical service (Art 153, labour code).
- Inside the CCC is set up a technical sub-committee of occupational health and safety made of at least 4 members (including the president). Its main goals are to inform and train workers on health and safety issues, to suggest program aiming at preventing occupational risks....
- Workplace medical service such as a doctor has a preventive role regarding workers health. If this service is present, medical issues and injuries can be prevented instead being treated after it has occurred.
- Restrooms, locker-rooms, canteen and drug box must be provided by the employer (art 43, Textile and Garment Industry Collective Agreement).

STAKEHOLDERS' OPINION AND ANALYSIS ON IMPLEMENTATION

Regulations pertaining to occupational health and safety are not fully followed.

Regarding occupational health, the majority of companies have medical services. Nevertheless, companies are not known for providing good physical working conditions such as a well-equipped refectory or cafeteria, locker rooms, or well-maintained and clean restrooms. These latter are mentioned in the CBA of the garment industry.

Regarding safety rules, clear legal standards do not exist. Nonetheless, most of the companies pay attention to occupational safety by adapting to normal standards such as: equipping factories with fire extinguishers, emergency exits signals, electric cable safety, etc. Regardless, occupational safety should be better regulated, requiring employers to apply minimum safety rules to keep workers protected.

FWF MAIN AUDIT FINDINGS OVER THE LAST THREE YEARS

Recent audit reports show a large number of health and safety violations. In fact, the most common findings in audit reports are related to this labour standard. Common issues are cleanliness (accumulation of dust, improper clean-up of excess materials, dirty bathrooms and/or cafeterias, etc.). It is also very common not to have an (active) Occupational Health & Safety Committee. Other violations include the lack of first aid kits and/or doctors, and fire extinguishing equipment.

It is very important for companies sourcing in Tunisia to regularly check the Health & Safety conditions at the factories, as there seem to be many violations. This is a problem, considering the often hot and dusty environment workers are exposed to.

WORKER COMPLAINTS, RELATED TO 'SAFE AND HEALTHY WORKING CONDITIONS'

One complaint in 2014 relates to this labour standard. One example relates to a working environment where there was verbal abuse coming from the supervisor, leading to an unsafe and unhealthy working environment. Read the complaint report [here](#)

6.8 Legally binding employment relationship



"Working relationships shall be legally binding, and all obligations to employees under labour or social security laws and regulations shall be respected."

OFFICIAL STATISTICS ON COMPLIANCE

As stated, Tunisia's informal economy constitutes 30% of Tunisia's GDP, according to the IMF. The World Bank estimates that 39.2% of Tunisia's production is not declared to tax or regulatory authorities²⁷.

27 TILI (Tunisia Inclusive Labour Initiative) RoadMap, April (2014).

LAWS AND REGULATIONS

Laws and regulations enforced regard the employment relationship, social security system: nature of labour contract, and a record of legal registers.

Social security system.

- Since employees in the garment industry belong to the private sector, they must be subscribed to the National Social Security Fund (CNSS).
- The employer has no more than 48 hours to declare newly hired workers (Art 7 of law No. 94-28 of February 21, 1994 relating to possible damages resulting from occupational accidents and diseases).
- The total amount of social security fees is shared between the employer (16.57% of raw wage) and the employee (9.18% of raw wage). The employer pays this amount.
- Old-age pension, disability pension and unemployment indemnity are managed by the CNSS. Medical care insurance and compensation of damages due to occupational diseases and accidents are managed by the CNAM (National Fund for Illness Insurance).

Registers and files that must be kept by the employer:

- Employers have the obligation to post the summary of law No. 94-28 of February 21, 1994 on compensation of damages resulting from occupational accidents and diseases. This is according to an order of the Social Affairs minister issued on December 21, 1994.
- A register for paid annual leave must be kept and signed by employees taking advantage of the annual leave. This register can be checked at any time by the labour inspection (Art 130 of labour code).
- A register for young workers who are younger than 18 years old.
- A wage register containing copies of pay slips.
- A social security notification.

With the consent of the employee, consecutive short-term contracts can be signed for a period no longer than four years. After this period, the employee must be hired as a permanent worker without a trial period. According to the CBA (Art. 1-bis) contractual workers have the same wages and bonuses as permanent workers. If the employer decides to not renew a contract, he will not be allowed to replace this worker with another one for a period of six months.

If the employer fires a worker before the age of retirement and without due cause, the employer owes the worker a lay-off indemnity equivalent to 2 days pay per month (for up to 9 months). After 20 years or more in the company, every retired worker enjoys a retirement indemnity equivalent to a monthly wage.

STAKEHOLDERS' OPINION AND ANALYSIS ON IMPLEMENTATION

The employment relationship in the garment industry is governed by both the Tunisian Labour Code and the garment Collective Bargaining Agreement (CBA). However, in general most of the workers within the garment industry are hired through short-term contracts.

Stakeholders indicate that contract renewal is not systematic. Employees are generally unaware of how contracts are regulated. It is very common for employers unwilling to have permanent workers to refuse a permanent contract to a percentage of their workforce. Their method is to renew contracts a few months before the end of the legal period of four years.

FWF MAIN AUDIT FINDINGS OVER THE LAST THREE YEARS

A very common finding relates to the short-term contracts of workers. This practice is found in the majority of audited factories. Another finding relates to the overtime hours not being officially recorded in wage slips, meaning that the obligatory social security contributions are not paid.

WORKER COMPLAINTS, RELATED TO 'LEGALLY BINDING EMPLOYMENT RELATIONSHIP'

FWF had one complaint in 2014 regarding the use of short-term contract of a worker. This was the same complaint as mentioned above. Read the complaint report [here](#)

SOURCES USED IN THIS COUNTRY STUDY

The information has been gathered by Amel Ben Zakour, Associate Professor in Human Resource Management. The study is prepared after researching national laws and local stakeholders' views on labour issues in the garment industry in Tunisia. In addition to careful research, FWF has gathered information from internationally recognized sources for Tunisia's economic, social, political, and human rights situation.

The following stakeholders representing public authorities, employers, trade unions and NGOs were consulted in writing this country study:

I. GOVERNMENT/PUBLIC AUTHORITIES

Technical Centre of Textile (CETTEX, www.cettex.com.tn). CETTEX is a governmental organization acting under the ministry of manufacturing, energy and mines. It provides support to both private and public sectors. Its aim is to assist textile/garment companies in technical issues by offering consultancy and training. Its main activities related to labour is as an expert in issues related to productivity set up. In addition, CETTEX offers training sessions to all categories of workers to master skills in garment like using Lectra system, cutting and fashion design.

The Exportations' Promotion Centre (CEPEX, www.cepex.nat.tn) is a governmental organization set up in 1973. It functions under the Ministry of Commerce. Its aim is mainly at the development of Tunisian products and services abroad. In the textile/garment industry CEPEX is one of the active organizers of TEXMED, the Euro Mediterranean exhibition in textile and clothing held each year in Tunisia.

The General Direction of Labour Inspection and Conciliation (GDLIC) is one of the five divisions of the specific services' department of the Ministry of Social Affairs. It is one of the members of the national commission of social dialogue (Minister decision No. 2000-1990, September 12, 2000) which is involved in giving its opinion on labour issues especially labour regulation, international labour standards, wages, professional classifications, social climate and collective bargaining (Art. 335, Labour code).

II. EMPLOYERS

Part of the Tunisian Union of Manufacturing, Trade and Handicrafts (UTICA, www.utica.org.tn), FENATEX (The Fédération Nationale du Textile, www.fenatex.org.tn) is the National Federation of Textile. One of the main objectives of FENATEX is to improve the economic and institutional environments of companies in the textile/garment industry.

III. TRADE UNIONS

The UGTT (Union Générale Tunisienne des Travailleurs, www.ugtt.org.tn) is the Tunisian General Union of Workers. Independent from all political organizations, the union gets its strength from workers. The central headquarters is located in the capital city of Tunis and includes all employees, even retired workers. Its two main goals are to improve the economic and social conditions of workers, and to defend their moral and material interests.

IV. LABOUR RELATED NGOS

The ATFD (Association Tunisienne des Femmes Démocrates) is the Tunisian Association of Democratic Women. One of its main labour related objectives is to achieve equal opportunities in labour and to eliminate any form of discrimination. It is comprised of a labour committee in charge of women labour issues. This committee supports workingwomen when they encounter any injustice or discrimination at work.

LIST OF ABBREVIATIONS

ATFD:	Association Tunisienne des Femmes Démocrates (Tunisian Association of Democratic Women)
CBA:	Collective Bargaining Agreement
CBAW:	Collective Bargaining Agreement Wage
CCC:	Company Consultative Committee
CEPEX:	Centre de Promotion de l'Exportation (Exportation Promotion Centre)
CETTEX:	Centre Technique du Textile (Textile Technical Centre)
CNSS :	Caisse Nationale de Sécurité Sociale (Social Security National Fund)
FENATEX :	Fédération Nationale du Textile (National Federation of Textile)
GDLIC:	General Direction of Labour Inspection and Conciliation.
INS:	Institut National de Statistiques (National Institute of Statistics)
UGTT :	Union Générale des Travailleurs Tunisiens (General Union of Tunisian Workers)
UNDP :	United Nations Development Program
UTICA:	Union Tunisienne de L'Industrie, Commerce et L'Artisanat (Tunisian Employers' Union of Manufacturing, Business and Handicrafts)