

**Law n° 2008-10 dated 11 February 2008, relating to the vocational training (1).**

In the name of the People,  
The Chamber of Deputies and the Chamber of Advisors  
having adopted,

The President of the Republic enacts the following law:

**FIRST TITLE**

**General provisions**

**CHAPTER I**

**The vocational training functions**

Article one - The vocational training is one of the fundamental components of the national system of human resources preparation and one of the development levers.

The vocational training, in complementarity and synergy within the sector of education, higher education and employment, is aiming at qualifying the training applicants on the vocational, social and cultural levels; developing the vocational abilities of workers and endowing the economic enterprise with necessary means to improve its productivity and increase its competitiveness.

Art. 2 - The vocational training is aiming at allowing the trainees to acquire necessary knowledge, competences and skills in order to exercise a trade or a profession requiring a qualification, and ensuring the appropriateness of this knowledge, competences and skills to the economic and technological mutations and within the trades evolution.

In this scope, the vocational training contributes notably in :

- meeting the economy needs in qualifications for different jobs,
- promoting the work as a value,
- developing the culture of the enterprise and the spirit of initiative and creativity among young people,
- spreading technological and technical culture linked to the evolution of production and labor systems and contributing in innovation and modernization,
- preparing for the trades of the future and for new work methods.

(1) preparatory works :

Discussion and adoption by the Chamber of Deputies during its session held on 29 January 2008.

Discussion and adoption by the Chamber of Advisors during its session held on 7 February 2008.

The vocational training as one of the components of the national system of human resources development, is also aiming at strengthening the proud and loyalty to Tunisia among the trainees and rooting the love for the homeland and awareness of the national identity and reinforcing their openness on human civilization.

Art. 3 - The vocational training within its contents and its organization, is founded on the principle of equal chances for all the training applicants, with ensuring the respect of the provisions of the legislation in force concerning the handicapped people.

Art. 4 - The State defines the general orientations in the vocational training field and looks after its promotion, organization and development. The State establishes, for this purpose, incentives and encouragements in conformity with national priorities.

## CHAPTER II

### The look-out and the prospective

Art. 5 - The Ministry charged of vocational training, in coordination with the concerned parties, ensures the look-out and the prospective function, in order to assist in the definition of orientations and to implement the development programs of the vocational training system on the national, regional and sectoral levels.

Art. 6 - The look-out and prospective function consists notably in :

- observing the technological mutations and evolution of work methods and analyzing their effects on trades, on the national and international levels,
- realizing studies allowing to determine the economy needs in medium and long terms competences and the prospective of promising trades,
- drawing up and updating the national and regional map of the vocational training,
- developing data bases on trades and competences and defining the indicators in this field.

## TITLE II

### The vocational training system

Art. 7 - It shall be meant by vocational training according to the provisions of the law herein :

- The initial training,
- The continuous training.

## CHAPTER I

### The initial training

Art. 8 - The initial training consists in helping to acquire the knowledge, competences and skills necessary to exercise an activity in professional or handicrafts sectors and to integrate the work life.

Art. 9 - The course of the initial training consists of three cycles :

- a) a first cycle ended by the vocational aptitude certificate, opened to those who continued their

studies till the end of the ninth year of the basic education ( preparatory, technical and general).

- b) a second cycle including two branches :
  - a branch ended by the professional technician diploma, opened to the holders of professional aptitude certificate and to those who continued their studies till the end of the second year of secondary education,
  - a branch ended by the professional baccalaureate, opened to the laureates holders of the professional aptitude certificate and those who passed the second year of secondary education. In addition, the laureates holders of the professional technician diploma can be authorized to stand as candidates in the professional baccalaureate examination.

The professional baccalaureate sections are fixed by a joint order of the Minister charged of education and the relevant Ministers charged of the training field.

- c) a higher cycle opened to the holders of the professional baccalaureate or secondary education baccalaureate ended by the advanced technician diploma or an equivalent diploma.

The diplomas mentioned above can be modified and new diplomas may be established by decree.

Art. 10 - The access conditions to each of the cycles mentioned above in article 9, the passing conditions between these cycles as well as the conditions of the candidature of the holders of the technician professional diploma, to the professional baccalaureate examination are fixed by order of the Minister charged of vocational training.

Art. 11 - The trainees following the course of vocational training mentioned in article 9 of the law herein, can integrate the secondary education. The pupils of secondary education can integrate the course of the vocational training. In both cases, the passing is made in view of the valuation of the acquired knowledge.

Art. 12 - The professional baccalaureate is a professionalizing diploma allowing its holders to accede to the employment market as well as the higher education in specialities compatible with the section to which they belong .

In addition, the laureates holders of the advanced technician diploma among the holders of the baccalaureate can carry on their training in higher education in specialities in conformity with their aptitudes and according to conditions fixed by decree.

Art. 13 - A training allowing to obtain a "competence certificate" may be organized for the profit of the training applicants who don't satisfy the conditions of scholar level to have access to the first cycle of the course of vocational training mentioned above in article 9. The conditions for obtaining this certificate are fixed by order of the Minister charged of vocational training.

A preparatory cycle may be organized to the profit of those who are under the age of fifteen, allowing them to have access to the training cycle provided for by the first paragraph of this article that is to say, the first cycle of the

vocational training course mentioned in article 9 referred to above.

Art. 14 - The initial training takes place in the vocational training establishments within the framework of external alternation between the latter and the economic enterprises, and within the framework of an internal alternation between the vocational training establishments and the educational establishments.

The initial vocational training can take place at distance in accordance with the terms and conditions fixed by order of the Minister charged of vocational training.

### **Section I - Training with the economic enterprises**

Art. 15 - The initial training is organized within the framework of partnership between the different structures of the vocational training system and the economic enterprises in accordance with one of the following methods :

- The training in alternation is organized within a contractual framework between the structures on one hand and the economic enterprises or the vocational institutions on the other hand, according to a fixed periodicity taking into account the training objectives and the abovementioned trades specificities . The training methods can be followed by any person who has reached the age of fifteen,
- The apprenticeship is organized within a contractual framework between the trainees and the economic enterprises. It takes place essentially in the production spaces, subject to a complement of theoretical training ensured by training establishments. The age of subscription to apprenticeship varies between the age of fifteen and twenty years,
- Specific programs are organized through a contractual way with the economic enterprise, in conformity with the specifications and in accordance with the national priorities. The specialties concerned with these programs are fixed by order of the Minister charged of vocational training or by a joint order of the Minister charged of vocational training and the concerned Minister.

Art. 16 - The initial training takes place in the training establishments and necessarily includes practical trainings in the economic enterprises, and this, in case it can not be organized within the enterprise.

Art. 17 - The training in alternation is organized within the framework of a convention concluded between the training establishment and the economic enterprise.

The framework conventions can be concluded between one or several training establishments and one or several vocational institutions.

Art. 18 - The apprenticeship is subject to a written contract concluded between the employer and the apprentice or his legal representative.

This contract shall be done in conformity with a specimen established by the departments of the Ministries charged of labor and vocational training and shall be signed by the competent departments of the Ministry charged of vocational training.

The contract shall come into effect by the abovementioned signature.

Art. 19 - The apprentice shall receive, during the apprenticeship contract duration, an allowance on the charge of the economic enterprise. This allowance is not submitted to the social security contributions.

The labor collective agreements as well as the particular status of the employees of public enterprises may provide for provisions related to the training allowance.

The minimum amounts of this allowance are fixed by decree.

Art. 20 - The departments of the Ministry charged of vocational training and the concerned Ministry ensure the follow-up of the apprenticeship contracts implementation and the conventions of training in alternation concerning the quality of supervision, the conditions of training and the compatibility of this latter with the targeted specialty.

Art. 21 - The departments of the Ministry charged of labor ensure the follow-up of the apprenticeship contracts implementation and the conventions of the training in alternation concerning the conformity of the work conditions in the economic enterprise with the provisions of the labor code.

Art. 22 - The Minister charged of vocational training can grant an authorization for apprenticeship registration to the candidates over the maximum age of admission, and this, in order to meet the needs of the sectors of priority or in case other possibilities of training are lacking.

### **Section II - The rights and duties of the trainee**

Art. 23 - The different parties intervening in the apprenticeship and vocational training shall respect, in their relation with the apprentice within the training establishment and the economic enterprise, the principles of equity, objectivity, integrity and equal chances. These parties are aiming at guaranteeing the apprentice's right to be respected and to enjoy a decent treatment and preserving his/her physical and moral integrity.

Art. 24 - The different apprentices' categories have the right to be insured against industrial accidents and occupational diseases in accordance with the legislation in force.

The insurance covers the periods of training in the training establishment and in the professional environment when it concerns the initial training, when it concerns continuous training, the insurance covers only the period of training taking place out of the economic enterprise to which the apprentices belong.

In addition, family allowances are granted for young people who regularly frequent a public or private vocational training establishment in accordance with the legislation in force.

Art. 25 - The trainee shall respect the rules of living together and comply with the internal regulations of the training establishment as well as the regulations of economic enterprise during the periods of apprenticeship, alternation or practical trainings.

He is, in addition, bound to assiduity and should follow the training which is given to him within the vocational training establishment and the economic enterprise and carry out the activities which were entrusted to him within the framework of his training.

Any breach of these obligations and regulations exposes its author to the disciplinary sanctions in force.

## CHAPTER II

### Continuous training

Art. 26 - The continuous training has for objective the development of the knowledge and vocational competences of workers in different economic sectors, with the intention of following the evolution of the production techniques and methods, improving productivity, strengthening the enterprises competitiveness, providing vocational promotion conditions to the workers, allowing them to progress in the qualifications scale and making them acquire, if need be, the competences necessary to exercise new professional activity.

The continuous training is aiming, also, at the re-qualification of workers for the reinsertion of the dismissed workers or the preservation of the post of those who are threatened to lose it.

Art. 27 - The continuous training includes two types :

- the continuous training organized by economic enterprises intending to upgrade their staff, in accordance with their priorities and requirements,
- the continuous training organized by public or private training establishments, is aiming at vocational promotion of workers.

Art. 28 - A certificate of attendance to the training cycles is attributed to the beneficiaries of the different types of continuous training.

The continuous training beneficiaries registered in the establishment of training or education for vocational promotion, obtain, in case of success, the same diplomas attributed to the holders of diploma of the initial training of these establishments on the basis of the same criteria of valuation.

## TITLE III

### Information and orientation

Art. 29 - The departments of the Ministry charged of vocational training are looking after, in coordination with the relevant establishments and structures, to provide exhaustive, diversified, and continuous information to the training applicants, to their families and enterprises. This information concerns the training branches, the trades targeted by the training, the perspectives of professional insertion and the training opportunities throughout the life.

Art. 30 - The orientation concerning the vocational training subject is aiming at assisting the training applicants to choose a branch or a speciality in conformity with their aspirations and abilities.

Art. 31 - The orientation operations are ensured by structures specialized in information and orientation related to the Ministry charged of vocational training by collaboration with the concerned parties.

## TITLE IV

### Structures, establishments and staff of the vocational training

Art. 32 - The national system of the vocational training consists of :

- the structures of conception, management and support, which are public establishments of an administrative or non-administrative nature, endowed with legal entity and financial autonomy and placed under the supervision of the Ministry charged of vocational training or under the joint supervision of the Ministry charged of vocational training and the Ministry concerned with the training sector,
- The public establishment of the vocational training, whether are establishments related to the structures of conception, management and support, or public establishments of an administrative or non-administrative nature, endowed with legal entity and financial autonomy, it is placed under the supervision of the Ministry charged of vocational training or under the joint supervision of the Ministry charged of vocational training and the Ministry concerned with the training sector. The nature of training establishments is fixed in accordance with the conditions laid down by decree.
- Private establishments of vocational training.

Art. 33 - The resources of public structures of conception, management and support and those of public establishments of vocational training consist of :

- subsidies granted by the State,
- Incomes from their properties or their services provisions,
- Returns coming from the subscription and insurance fees,
- Subsidies granted by natural persons, legal entities or other instances,
- Donations and legacies.

Art. 34 - The vocational training establishments may be established notably by a Ministry, local collectivity, professional organization, enterprise, grouping of economic enterprises, association or a private promoter.

The vocational training establishments may be independent or integrated within an economic enterprise.

Art. 35 - The vocational training establishments can be sectoral or polyvalent.

## CHAPTER I

### Public establishments of vocational training

Art. 36 - Within the framework of a joint supervision on public training establishments, the role of the Ministry charged of vocational training consists in following all the educational aspects and notably the extent of application of training standards, valuation and certification.

Art. 37 - The projects of establishment or restructuring of public establishments of vocational training are

submitted to the opinion of the coordination permanent committee of vocational training, derived from the higher council of human resources development, taking into account the national priorities.

Art. 38 - The organization, the operating procedures and the disciplinary regime of public establishments of vocational training are fixed by decree, on a proposal from the Minister charged of vocational training, if it concerns an establishment of its competence, and on a joint proposal from the Minister charged of vocational training and the relevant Minister, in case the training establishment is submitted to a joint supervision.

## CHAPTER II

### **Private establishments of vocational training**

Art. 39 - The natural persons and legal entities may offer services concerning the initial or continuous vocational training, in accordance with specifications, fixing the rules of establishment and operation of private establishments of vocational training which shall be published by order of the Ministry charged of vocational training.

Art. 40 - Each person referred to in article 39 mentioned above, is bound, before the start of the training activity, to lodge at the concerned departments of the Ministry charged of vocational training a declaration of establishment of a private establishment of vocational training.

The declaration shall include a written commitment to respect all the provisions provided for by the specifications mentioned above in article 39.

Art. 41 - The director of the private establishment of vocational training shall have a Tunisian nationality. However, exceptionally, a person who is not of Tunisian nationality may ensure the direction of a private establishment of vocational training, on condition of a written authorization from the Ministry charged of vocational training.

The level of education and vocational experience required from the director are fixed by the specifications mentioned above in article 39.

Art. 42 - The private establishments of vocational training shall be bound to recruit a minimum of permanent agents of training and management whose number, level of education and vocational experience required from them are fixed by the specifications mentioned above in article 39.

Art. 43 - The promoter and the agents charged of the direction and training should justify the required moral and vocational qualities and should justify as well that they have not been submitted to judicial conviction of an offence or a crime that affect the honor and trust.

The persons who are prohibited from exercising the activity in question by the Ministry charged of vocational training can not manage a training establishment or exercise a training activity.

Art. 44 - The non-respect of the legislation and regulation applicable to private establishments of vocational training is punished by a decision of a total or partial closure of the establishment, temporarily or definitively, or

by a prohibition of the offender staff to work in those establishments, to exercise any training activity, temporarily or definitively, according to the nature and seriousness of the offense.

The sanctions are pronounced by order of the Minister charged of vocational training, after the opinion of the coordination permanent committee of vocational training sitting, for this purpose, in a restricted formation. This committee shall grant to the legal responsible of the concerned private establishment, the right of defense before a proposal of any disciplinary or administrative decision.

Art. 45 - Shall be punished, in addition to the compensation for the damage undergone by the trainers, by a penalty which varies between five thousand and ten thousand dinars, each person who does not respect the decision of closure of the establishment according to article 44 of law herein. In case of a second offense, the penalty varies between two thousand and twenty thousand dinars.

Shall be punished, in addition to the compensation for the damage undergone by the trainers, by a penalty which varies between five thousand and ten thousand dinars or by corporal sanctions mentioned in article 294 of the penal code or by one of both sanctions, each person, who illegally establishes a training establishment or who closes it before the end of the current training unless in case of cause beyond control.

Art. 46 - It is prohibited for the private establishments of vocational training to accept the donations and legacies coming from natural persons and legal entities, being Tunisians or foreigners without prior authorization from the Minister charged of vocational training.

Art. 47 - The Minister charged of vocational training ensures the control on the private establishments of vocational training in all the fields provided for by the law herein.

He can seize, in case of prohibition to exercise the activity of a private establishment of vocational training and in order to preserve the trainees' interest, the judge of summary procedures, by a petition for designation of an administrator among the qualified persons in the field of training, to manage the establishment during a period not exceeding the end of the current training.

## CHAPTER III

### **The staff of the vocational training**

Art. 48 - The staff of the vocational training notably includes the trainers from different categories, the apprenticeship advisors, the educational advisors, the programs designers, the vocational training inspectors, the advisors of information and orientation in the vocational training field and the administration staff.

Experts among professionals and craftsmen can be charged of ensuring the missions of training and supervision within the framework of a contractual relation.

Art. 49 - The staff of vocational training carries out, in a spirit of cooperation and complementarity, the missions and attributions which were entrusted to them within the framework of the law herein.

The trainers and apprenticeship advisors ensure the training, the supervision and the follow-up of the trainees in the training establishments and in the economic enterprises. In addition, guardians among the staff of the economic enterprises take part in training and supervision of the trainees in these enterprises.

Art. 50 - The staff of vocational training take part in programs of training and improvement in the technical, scientific and educational fields, organized for them whether in order to prepare them to exercise their functions or to be adapted to the technological mutations and to the evolution of educational approaches.

Art. 51 - The trainers and the apprenticeship advisors are periodically submitted to the valuation and educational inspection.

## TITLE V

### Referentials, valuation and certification

#### CHAPTER I

##### Referentials and training standards

Art. 52 - For each of the diplomas mentioned above in articles 9 and 13, the profile of the graduate, the minimum duration of the initial training and the general training disciplines, are defined within a general framework of reference fixed by order of the Minister charged of vocational training after opinion of the coordination permanent committee of the vocational training.

The vocational training diplomas shall be registered in the national classification of qualifications fixed by decree.

Art. 53 - The training standards, for each specialty, are fixed, on the basis of the general framework of reference provided for by article 52 mentioned above. These standards include the definition of the concerned specialty, the determination of competences and knowledge required for the diploma, the specific conditions for subscription and the valuation criteria of acquired knowledge.

The training standards are fixed by order of the Minister charged of vocational training after opinion of the coordination permanent committee of the vocational training.

Art. 54 - The training standards are periodically reviewed in order to adapt with the evolution of the needs of employment market within the concerned specialty and on the basis of information and data provided by the national observatory of competences and innovating trades.

Art. 55 - Each public or private training establishment desiring to organize a training in the specialties for which training standards have been defined, shall obtain an approval, from the Ministry charged of vocational training after opining the coordination permanent committee of the vocational training.

In case of a default of training standards in one of the specialties, the concerned public or private establishment may exceptionally obtain, before the start of the training, an authorization from the Ministry charged of vocational training for the concerned diploma classification with reference to the diplomas mentioned above in articles 9 and 13.

The conditions of attribution of the approval and classification to vocational training establishments are fixed by order of the Minister charged of vocational training.

## CHAPTER II

### Valuation and certification

Art. 56- The vocational training system and all its components in the public and private sectors are subject to an external and internal periodic valuation. This valuation is aiming at objectively measuring:

- The acquired knowledge of the trainees,
- The performances of the training staff with reference to the educational, administrative and technical referentials which are specific to them,
- the efficiency of the training establishments on the basis of qualitative and quantitative indicators fixed by the Ministry charged of vocational training in the light of the fixed objectives,
- The vocational training system as a whole, on the basis of qualitative and quantitative indications and criteria on the national and international level, and this, in order to introduce regulations and reforms necessary to guarantee the realization of the fixed objectives.

Art. 57 - The supervision and coordination of the valuation concern a committee established within the Ministry charged of vocational training, called "the national committee of valuation and quality insurance in the vocational training". The composition of this committee, the operating procedures and the profit-sharing scheme of its members are fixed by decree.

Art. 58- The valuation of the trainees acquired knowledge is made in a continued way during the current training and by the mean of the valuation of certification in the end of each training cycle.

Art. 59 - The Ministry charged of vocational training grants the diplomas mentioned above in articles 9 and 13 after passing an examination organized by its departments.

The list of specialties concerned by this examination as well as its organization are fixed by order of the Minister charged of vocational training.

Art. 60 - the professional baccalaureate is granted to the successful candidates in the national examination supervised by the Ministry charged of education.

The examination regime of the professional baccalaureate is fixed by order of the Minister charged of Education.

Art. 61 - The diplomas mentioned above in articles 9 and 13, except for the professional baccalaureate can be granted by the mean of validation of the acquired competences within the framework of work life. The validation conditions of the acquired experiences are fixed by order of the Minister charged of vocational training.

Art. 62 - The diplomas referred to in articles 9 and 13 mentioned above, except for the professional baccalaureate, can be exceptionally granted on authorization of the

Minister charged of vocational training, by private or public training establishments having obtained approval or classification mentioned above in article 55.

Art. 63 - The Ministry charged of vocational training grants equivalence to the foreign diplomas of vocational training in accordance with conditions fixed by order of the Minister charged of vocational training.

#### TITLE VI

##### **International cooperation**

Art. 64 - The Ministry charged of vocational training as well as all the concerned structures are looking forward to benefit from the foreign experiences within the framework of international, bilateral and multilateral cooperation, and to promote the radiance of the vocational training national system abroad.

#### TITLE VII

##### **Transitory provisions**

Art. 65 - All provisions prior and contrary to the law herein shall be repealed. At the same time that the law herein comes into effect, the law n° 93-10 dated 17 February 1993, relating to law of orientation of vocational training, the application of all amending and completing texts will be progressively put to an end.

The law herein shall be published in the Official Gazette of The Republic of Tunisia and implemented as law of the State.

Tunis, 11 February 2008.

**Zine El Abidine Ben Ali**