

Law n° 2007-19 dated 2 April 2007 amending some provisions of the labor code (1).

In the name of the people,

The Chamber of Advisors and the Chamber of Councilors having adopted,

The President of the Republic promulgates the following law :

Article one - The provisions of paragraph one of article 165 and 166 of the labor code are abrogated and substituted by the following provisions :

Article 165 (new paragraph one) : The employer must provide the members of the consultative commission of the enterprise and the staff delegate with the necessary facilities to exercise their functions in consideration of this commission's and the staff needs delegate, as well as the needs, importance, and possibilities avoiding that granting these facilities hamper in any way the efficient enterprise functioning, provided that they act in conformity with the law and collective agreements.

Article 166 (new) : Any laying off of a confirmed member or a substitute representative of the staff at consultative commission of the enterprise envisaged by the employer, must be submitted by him for the commissions's opinion for that matter. Then, the employer must submit the laying off to the general manager of the labor inspection and conciliation who issues a justified opinion within a deadline not exceeding ten days as per the seisin date.

Any laying off of a confirmed or substitutive staff delegate envisaged by the employer must be directly submitted to the general manager of the labor inspection and conciliation, who issues a counsel's opinion within the same deadline mentioned in the previous paragraph.

The laying off which took place without conformity to the procedures referred to in the first and second paragraphs of this article are deemed unfair. These layings off are also considered unfair if they are contrary to the opinion of the general manager of the labor inspection and conciliation unless it is established within the relevant courts that a real and serious reasons justifies these layings off.

The concerned employer and employee keep their right to go before the relevant courts.

Art. 2 - The following articles 166 bis, 169 bis and 169 ter are added to the labor code :

Article 166 bis : The staff representatives have priority to be maintained in job if they are members of the enterprise consultative commission, staff or union representatives in case employees are made redundant or laid off, for economical or technological reasons.

Article 169 bis : The provisions of paragraph one of article 165 and the provisions of articles 166 and 167 of the labor code are applicable to the union representative.

Article 169 ter : Facilities available to the union representatives are fixed in the collective agreements.

Art. 3 - The titles of book III of the labor code and of the single chapter of the single title are repealed and replaced as follows :

Book III

Single title

The staff representation in the enterprises :

This law will be published in the Official Gazette of Republic of Tunisia and implemented as law of the State.

Tunis, 2 April 2007.

Zine El Abidine Ben Ali

(1) preparatory works :

Discussion and adoption by the Chamber of Advisors during its session held on 6 March 2007.

Discussion and adoption by the Chamber of Councilors during its session held on 15 March 2007.