



REPUBLIC OF SOUTH SUDAN
Ministry Of Labour, Public Service
& Human Resource Development
Office of the Undersecretary of Labour



26th May 2012

All Private Companies,
NGOs,
UN Agencies & Diplomatic Missions

Circular No. 8/2012

RE: PRESS RELEASE ON EMPLOYMENT AND LABOUR ISSUES

The Ministry of Labour, Public Service and Human Resource Development has been receiving several complaints regarding terms and conditions of employment. We therefore wish to make clarifications on the following areas of concern:

- Working hours
- Overtime.
- Unfair Termination of contracts and tax levied on terminal benefits.
- Few National staff at the Management levels and Staff Association
- Sick Leaves
- Contribution towards National Social Insurance Fund
- Payment of Salary

1. **Working Hours and Overtime:** In the Republic of South Sudan, an employee is expected to work for eight hours a day, which amounts to 40 hours a week with a one-hour lunch break. This implies working from Monday to Friday and resting on Saturday and Sunday.


Any hour worked beyond eight (8) hours should be consider as overtime which is compensated either in monetary terms or in kind i.e. giving off duty, depending on the agreement that should always be incorporated in the establishment human resource manual or internal regulations as well as contracts. However, no employee should be forced to work overtime but both employee and employer must have mutual understanding.

Overtime is normally intended for junior positions such as: Watchmen, Drivers, Cooks, Massagers and any other subordinates, excluding the Managers at all levels.

2. **Payment of overtime:** For any work done overtime, on normal working days, each hour shall count as one-and-a-half (1½) hours while every hour worked over the weekends and public holidays, one (1) hour shall be equivalent to two (2) hours.
3. **Termination of contract and taxation of terminal benefits:** No establishment is allowed to terminate any contract of an employee without prior approval from the Labour Office (state or national level). In the event that the establishment terminates a contract without following the laid down procedures, the law will take its course. Meanwhile, terminal benefits being paid to affected staff are not to be subjected to taxation as provided by the law.
4. **Few National staff at the management levels:** Absence of nationals in key management levels leaves a gap to enforce policies and regulations of the Government of the Republic of South Sudan.
5. **Staff Association:** The Transitional Constitution of the Republic of South Sudan provides for the rights of Assembly and Association Sec. 25. Therefore, no staff should be victimised for joining a trade union or association formed to promote their rights and interests.
6. **Sick Leave:** Any sick leave days granted to an employee by a recognised medical authority, should never be deducted from the annual leave and must be paid.
7. **National Social Insurance Contribution:** All establishments in the Republic of South Sudan are reminded that contribution towards Social insurance Fund from employee and employer (8% and 17% respectively) is mandatory. The amount deducted should be deposited in the establishment block account, awaiting directives from the designated government institution. This is a worker right that should not be denied.

Salary Payment: It came into our notice that, the International Organizations, Companies and Agencies, operating in South Sudan, are paying the National Staff in local Currency. This is a clear violation of ("Universal Declaration of Human Right Article 23 /2. Everyone, without any discrimination, has the right to equal pay for equal work.") it is unfair for those Institutions to pay the national staff with the local currency, while their colleagues are being paid in hard Currency. We therefore, request all the Institutions concern to pay their staff in the designated currency.

MINISTRY OF LABOUR, PUBLIC SERVICE
GOVERNMENT OF SOUTHERN SUDAN
DIRECTORATE OF LABOUR AND INDUSTRIAL RELATIONS

 26/05/12 20 MAY 2012 *

MADAM HELLEN ACHIRO LOTARA Signature
UNDER SECRETARY, LABOUR & INDUSTRIAL RELATIONS

MINISTRY OF LABOUR, PUBLIC SERVICE AND HUMAN RESOURCE DEVELOPMENT

- CC. Acting Minister of MoLPS&HRD
- " Minister of Interior
- " Minister of Justice
- " Minister of Humanitarian Affairs
- " Minister of Foreign Affairs and International Cooperations