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**Summary Of Remarks By Helen Achiro Lotara, Under-Secretary of Labour
Government-NGO Partnership Review Workshop
19th November 2013**

This is an unofficial summary of verbal remarks – not an official summary from Ministry of Labour.

South Sudan Labour Bill

The South Sudan Labour Bill is currently before the National Legislative Assembly. It has passed its First Reading, and is soon due for its Second Reading. There will be an opportunity for a public hearing before the Third Reading. The under-Secretary is not able to share a copy of the current draft, but indicated there had not been major changes since the draft that was discussed in March 2012.

Although there is not yet a South Sudan Labour Act, the 1997 Labour Law from Sudan is being referred to, until the South Sudan Labour Bill is passed.

Working Hours

Although the 1997 Labour Law from Sudan provides for a 48hr working week, in South Sudan the working week is 40hrs (see Circular 08/2012 from Ministry of Labour, Public Service and Human Resource Development, 26th May 2012, available at southsudanngoforum.org/2012/05/29/circular-8-2012-ministry-of-labour/). Overtime needs to be a mutual agreement between the employer and employee.

However, the Under-Secretary noted that the rest of the above-mentioned circular was a 'suggestion' rather than a 'directive'. => so not mandatory

Currency of Salary Payment

In particular, the Under-Secretary stated that 'people recruited locally' (ie: national staff) should be paid in 'local currency' (ie: the South Sudanese Pounds). (This clarifies the final section of Circular 08/2012, which caused significant confusion when it was published).

The Under-Secretary also stated that if international staff are paid an 'upkeep allowance' locally, this should be deposited in a bank account from which they can only withdraw local currency (although excess amounts could still be repatriated internationally in hard currency).

Labour Inspections

The Ministry of Labour is conducting 'labour inspections' to ensure all NGOs are in compliance with government laws and policies. The Under-Secretary stated that such inspectors are 'mandated by law' (presumably meaning the 1997 Labour Law from Sudan) and that employers should cooperate with such inspections, and provide any requested documentation.

Apparently, Ministry of Labour are concerned that some NGOs are not meeting relevant legal requirements (eg: to provide paid maternity leave – see article 46 of the 1997 Labour Law from Sudan). The Under-Secretary also advised that national staff contracts should be witnessed by the Labour Office (Article 28 of the 1997 Labour Law from Sudan requires a copy of each contract to be deposited with the Labour Office, but does not specifically mention witnessing). The Under-Secretary also stated that the Human Resources Manual of each NGO should be reviewed by Ministry of Labour, so they can ensure it is compliant with relevant legislation. (This does not appear to be a specific requirement of the 1997 Labour Law, but has been a relatively common practice for some NGOs, and could be seen as a wise precaution against future legal challenges).

Work Permits

The Under-Secretary noted that during the civil war, many qualified nationals had left the country and so NGOs had to rely on expatriate staff. However, well-qualified people have now returned from the diaspora, and the government wants to create job opportunities for them. The Under-Secretary claimed that NGOs had not been told to nationalise positions immediately, but allowed to move gradually. However, some agencies have taken advantage of this, by changing people's titles around and claiming they have been promoted, in order to justify retaining an international.

Recruitment Of Nationals vs Internationals

The Under-Secretary stated there should be an 80:20 ratio of nationals:internationals. All junior positions should be filled by nationals, and even middle and higher-level management positions should include nationals.

Concern was also expressed that agencies are doing 'pre-selections' in the recruitment process, and qualified candidates' applications are not reaching the shortlist. Therefore, the Labour Office want to do the recruitment process 'together' with NGOs.

The Under-Secretary also noted the importance of creating NGOs creating jobs, especially for youth, and stated that nationals are cheaper than internationals.

Internships

The Under-Secretary encouraged NGOs to take national staff as interns (but did not respond to points raised earlier during the workshop, regarding the lack of a suitable legal framework for NGOs to take interns).

Elimination of Child Labour

South Sudan is in the process of ratifying a number of international conventions, which would include commitments to eliminate child labour.