



NON-GOVERNMENTAL ORGANISATION (NGO)

RECRUITMENT GUIDELINES

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Foreword

In a little, more than one year from the enactment of the Labour Act, 2017, and as part of its mandate to protect the rights of the workers and employers, the Ministry of Labour, Public Service and Human Resource Development (MoLPS&HRD) is hereby issuing this *“Non-Governmental Organization (NGO) Recruitment Guidelines.”* These guidelines are providing practical steps and requirements for recruitment of workers in the NGOs sector.

The Guidelines provide NGOs and relevant Government institutions with detailed guidance on how to conduct recruitment process based on legal principles as well as NGO principles. These Guidelines are to help and guide all those involved and concerned with the NGOs, National and State Ministries and relevant government institutions.

I would like to acknowledge the role played by all those involved in producing these guidelines from MoLPS&HRD, especially the Labour Commissioner, RRC and State Ministries for their great contribution towards producing this “*Non-Government Organization (NGO) Recruitment Guidelines.*” I would like also to thank the NGOs for their contribution and participation in the process.

It is my hope and expectation that these Guidelines will provide an effective learning experience and reference resource for all NGOs, National and State Ministries and relevant Government institutions, in recruiting NGOs’ staff, within the framework of the Labour Act, 2017 and other relevant laws of the Republic of South Sudan.



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Principles underpinning recruitment for NGO work

The recruitment process is guided by the South Sudan Labour Act, 2017, The NGO Act, 2016 and the Civil Service Act, 2011. It is also drawing on the humanitarian and development principles that organizations adhere to while implementing humanitarian and development activities. These guiding principles are based on Independence, Neutrality, Humanity, and Impartiality.

NGO workers are recruited primarily for their skills, education, experience and knowledge. This is in line with the Labour Act, 2017 which emphasizes that "Any distinction, exclusion or preference in respect of a particular job shall not constitute discrimination for the purposes of this section if it is: 'based on the inherent requirements of the particular job.'"¹ Being

¹ Section 6(5)(a) Labour Act, No. 64 of 2017

non-discriminatory is both a humanitarian and development imperative and a legal requirement imbedded in the NGO Act of 2016 which is to be complied with. Under the NGO Act 2016, it is stated, "Any Non- Governmental Organization so employing shall: [...] Not discriminate against any applicant or employee on the ground of region, race, religion, gender and political affiliation."² Further, the Labour Act, 2017 states that no person shall discriminate, directly or indirectly, against an employee or job applicant in any work policy or practice.³

NGOs shall recruit individuals on the basis of the professional capacity of the candidates and strive to provide capacity building for their staff members. All positions require that they show proper qualifications and experience in order to be operational and able to effectively assist the population. NGOs comply with the

² Section 18(2)(b) NGO Act 2016

³ Section 6(1) Labour Act, No. 64, 2017

Core Humanitarian Standards (CHS) in which Commitment #8 states: "Communities and people affected by crisis receive the assistance they require from competent and well-managed staff and volunteers."⁴ NGOs are also guided by principles of accountability to the affected populations (CHS commitments #4 & #5) and to their donors.

NGOs are compelled by law to not recruit any persons that might represent a danger for the population that they are serving. In addition to professional competence, NGO workers are required to show a high degree of integrity and moral character at all times when representing an NGO. Abuse and/or misuse of power are not accepted and if an employee does abuse powers bestowed upon him/her, serious disciplinary actions could be taken against such a person, including taking a criminal case against such an employee. All NGOs expect

⁴ Core Humanitarian Standards, Commitment Number 8

the highest standards of behavior from their staff.

Stages in recruitment

NGO recruitment processes shall involve the following stages and considerations:

- a) Job descriptions are developed and approved by the relevant organization;
- b) Modalities to disseminate and advertise job descriptions are decided by the relevant organization, with relevant fees paid through chosen advertising means, if any.
- c) There shall be no other fees, such as approval of job descriptions or advertisements; by the Labour Authorities.
- d) All advertisements shall be approved by the Ministry of Labour; National or State, and shall be widely advertised for a period of not less than two weeks.

- e) Short-listing of qualified candidates is undertaken by the organization as per its formal recruitment procedures, and should be through a panel, not the Human Resource Officer alone.
- f) Interview panels are exclusively constituted and conducted by the relevant organization's staff.
- g) No incentives will be paid for involvement of any persons or authorities at any stage of the recruitment process.
- h) In as much as practical, NGOs will give priority to people living in local areas of states and counties for positions such as cleaners, guards and drivers.
- i) All professional and technical positions will be advertised widely in the states and at the national level.
- j) The successful candidate will be eligible for the position regardless of his state of origin.

- k) The Ministry of Labour shall be provided with the shortlist and the successful candidate.
- l) The Ministry of Labour has the right to review the recruitment process in case of any malpractice reported.

NGO recruitment processes should be transparent. While anyone can apply, only the persons who fulfill all or most of the recruitment criteria will be considered in the recruitment process.

All NGOs should have internal operational guidelines, which shall be in line with the applicable labour laws in South Sudan. NGOs shall commit to provide a recruitment process free from bias and impropriety.

Commitment of NGOs in recruitment

NGOs shall commit to:

- a. Follow the laws and regulations of South Sudan on matters of recruitment, including non-discrimination requirements;
- b. Clearly stipulate the required experience, academic qualifications and competencies/expertise for every position advertised;
- c. Ensure that any vacant position may be advertised both in the location where the job is to be carried out as well as nationally, using both hard copy and online advertisements, as well as for the submission of applications.
- d. Provide information on the recruitment process to candidates in terms of experience, academic qualification, competencies and expertise and duration of contract;

- e. Establish relevant mechanisms and safeguards so that submitted applications are received and not interfered with before they reach the recruitment teams, using a submission box or similar mechanism for applications;
- f. Provide capacity building and career orientation to qualified staff members.

Recruitment processes in NGOs need to be free from any interference from individuals or groups that might have a different agenda than the one stated above. It is necessary for the integrity of the procedure and of the organizations that no external interference guides the choice of candidates.

Commitments of Authorities in Recruitment

Authorities commit to:

- a. Recognize and accept NGO standards and humanitarian and development principles in recruitment (including neutrality, and non-discrimination).
- b. Monitor the compliance of NGOs to the Labour Act 2017, NGO Act 2016 and other applicable laws.
- c. Ensure that no individuals impose candidates on NGOs in order not to distort the principles of fair recruitment and selection process of competent professionals to ensure effective service delivery.
- d. Appreciate that the Ministry of Labour, Public Service and Human Resource Development (MoLPS&HRD) and Relief and Rehabilitation Commission (RRC) are distinct from NGOs.

- e. Collaborate with the Ministry of Labour and RRC in ensuring that organizations comply with specific policies and rules as provided by the Labour Act 2017, NGO Act 2016 and other applicable laws but not to have direct influence on how organizations manage their internal affairs, as this would compromise the independence and neutrality of the NGOs.
- f. Respect recruiting organizations' independence, provided that the organizations are operating within the Labour Act 2017, NGO Act 2016 and other relevant laws of South Sudan.
- g. Ensure that circulars issued by relevant government institutions remain consistent with the implementation of the provisions of the Labour Act 2017, NGO Act 2016 and other relevant laws of South Sudan.

Conclusion

The National Ministry of Labour, Public Service and Human Resource Development, the State Ministries of Labour and the RRC are committed to support the NGOs in their dedication to serve the people of South Sudan to the best of their ability and with the utmost professionalism. The NGOs must be able to recruit staff based on their recruitment criteria and free from external influence that may compromise the process and therefore the end result.

NGOs are to observe and respect the national laws of South Sudan. It is in a similar spirit that these guidelines envisage collaboration with all authorities and Government officials at both the National and State levels.