

DECENT WORK CHECK **SOUTH SUDAN** 2023

Iftikhar Ahmad

WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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Bibliographical information

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INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 15 more countries, thus taking the number of countries with a Decent Work Check to 125!

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Constitution of South Sudan, 2011
2. Labour Act, 2017
3. Work Injuries Compensation Act 1981
4. Social Insurance Act 1990, amended in 2008
5. Child Act 2008
6. Penal Code Act 2008
7. Workers' Trade Union Act, 2013

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

South Sudan has not ratified the Conventions 95, 117 and 131.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Labour Act, 2017

Minimum Wage

The Labour Advisory Council (the “Council”) can place its recommendations before the Minister for Labour on fixing and revision of minimum wage. Certain factors need to be taken into account such as the basic needs of the employees, the general level of wages, the cost of living, the level of productivity and any other factor which may be considered necessary. Every minimum wage is to be reviewed within a time period of not more than two years. The Council can recommend fixing of different minimum wages for different occupations or categories of employees.

An employer who does not pay the minimum wage, has committed an offence. He/she can be punished with imprisonment of up to five years, a fine, cancellation of a license or closure of premises for up to two years.

Sources: §50 & 126 of the Labour Act, 2017

Regular Pay

Basic salary means the salary along with the cost living allowance while excluding other allowances. The payment of wages has to be made during working hours at the place of employment or in the bank account of the employee. For employees engaged on an hourly or daily basis, the wages have to be paid by the end of the day. For employees employed for up to one month, the wages have to be paid at the end of each month. For employees engaged for a specific task, the wages are paid on the completion of task.

The employer can make the following deductions from the salary/wages: taxes, rates, subscriptions or contribution provided by law; alimony or child care payments ordered by a court; contribution to a pension scheme; rent for accommodation due to the employer or for price of goods sold by employer to employee (as long as the employee has already given consent); repayment of money lent by the employer to the employee, subject to prior written agreement; an amount of damage suffered by the employer because of the employee; and subscriptions to be paid to the trade union by an employee.

An employer has to pay an employee all wages/salaries and any other benefits to which the employee is entitled within 30 days from the date on which employment of the employee was terminated, regardless of the cause of such termination.

Sources: §5, 49 & 51 of the Labour Act, 2017

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

South Sudan has not ratified the Conventions 01 and 171.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on Compensation:

- Labour Act, 2017

Overtime Compensation

The normal working hours are 8 hours a day and 48 hours a week. An employer can ask the employee to work more than the normal working hours as long as the normal working hours of the employee, other than those engaged in shift work, do not exceed 9 hours in a day. In such a case, working hours need to be proportionately reduced on other days so that the total number of working hours in a week do not exceed 40 hours. The working hours of an employee engaged in shift work must not exceed 40 hours when averaged over 3 weeks. However, an employee may agree to work more than 3 hours of overtime per day or 10 hours of overtime per week.

On mutual consent, a worker may work up to 3 hours overtime in a day and 10 hours in a week. The employer is required to pay overtime at the rate of one and a half times the normal rate of pay (150% of normal wage rate) when overtime work is performed on working days. If employees are required to work overtime on a weekly holiday, they are paid two times the rate of normal pay (200% of the normal wage rate).

However, overtime is not applicable where workers have been granted leave in lieu of overtime.

Sources: §56 & 57 of the Labour Act, 2017

Night Work Compensation

An employer who requires an employee to perform night work is to obtain a written agreement from the employee to perform such work and to take special measures to ensure the employee's health, safety and security.

Sources: §68 of the Labour Act, 2017

Compensatory Holidays / Rest Days

There is no provision for compensatory leave to a worker engaged on weekly rest day. However, the Labour Act requires one day compensatory leave for a worker who is engaged on a public holiday or a monetary compensation.

Sources: §59 and 61 of the Labour Act, 2017

Weekend / Public Holiday Work Compensation

All employees are entitled to paid leave on public holidays. An employee who works on a public holiday is entitled to two times (200%) the regular hourly rate for working on a public holiday or one day paid leave by way of compensation. Where a worker is engaged for working overtime on weekly rest day, the compensation is 200%/two times the regular hourly rate.

Sources: §57 and 61 of Labour Act, 2017

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.
In addition, for several industries, different Conventions apply.

South Sudan has not ratified the Conventions 14, 47, 106 and 132.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

Regulations on annual leave and holidays:

- Labour Act, 2017

Paid Vacation / Annual Leave

Employees are entitled to paid annual leave for every year of service. The paid annual leave is: 21 days for one to three years of continuous service; 25 days for three to fifteen years of continuous service; and 30 days for 15 or more years of service with the employer.

Annual leave can accumulate from year to year. When an employee has accumulated two years of annual leave, he can accept financial compensation for half of the untaken annual leave entitlement. If the employment of an employee is terminated for any reason, the employee is entitled to compensation for all days of annual leave not taken or paid out.

Sources: §60 of Labour Act, 2017

Pay on Public Holidays

All employees are entitled to paid leave on public holidays. Ministry of Labour, Public Service and Human Resource Development sets the observed and full holidays list every year. The observed holidays are working days. The full public holidays are New Year's Day (1 January), Good Friday, Holy Saturday, Easter Sunday, Easter Monday, International Labour Day (1 May), SPLA Day (16 May), Eid al Fitr (end of Ramadan), Independence Day (9 July), Martyrs' Day (30 July), Eid al Adha (Feast of Sacrifice), Christmas Eve (24 December), Christmas Day (25 December) and Boxing Day (26 December). The actual dates for Muslim

holidays vary each year since these are dependent on the sighting of moon.

Sources: §61 of the Labour Act, 2017

Weekly Rest Days

An employee is entitled to a rest day of at least 24 consecutive hours. Employer must permit a worker to take the weekly rest on such day as is customary or on a different day as agreed between the employer and the worker.

Sources: §59 of the Labour Act, 2017

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

South Sudan has not ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- Labour Act, 2017

Written Employment Particulars

The Labour Act states that the employment contract can be either oral or written. The contract can be for a definite period, an appropriate period or for a performance of a specific task. The contract is to contain the following particulars: name of employer; place of employment; name of employee and other details necessary for identification; nature and duration of employment; period of notice for termination of contract; salary/wages; measures to be taken for the welfare of the employee and their family; conditions of repatriation (where applicable); and any other conditions of the contract.

Furthermore, the employer is to provide an employee all the information in a form which an employee can understand which includes the fundamental rights of employment as provided in the Labour Act, particulars of the employment contract, and other minimum conditions of employment as stated in the Labour Act.

The employer can either have a written employment contract and provide the employee with its copy or he/she can have an oral employment contract whereby the employee will then have to be provided a written statement containing the required information or a notice can be posted in the workplace containing the required information in languages which are understood by the employee. Notice can be used in the case where terms of oral contract are the same as those applying to other employees.

Sources: §42, 43 & 44 of the Labour Act, 2017

Fixed Term Contracts

The Labour Act allows fixed term contracts. It further states that where the employment for a definite period has expired but the employee continues to work without a contrary direction from the employer, the contract is deemed to be renewed on the same terms as the expired contract. Where the employee's employment continues for period of two years after the expiry of the employment contract, the employment is deemed to be for an indefinite period. Maximum length of single fixed term contract (or including renewals) is not clearly specified under the law.

Sources: §42 of the Labour Act, 2017

Probation Period

The employer can require an employee to serve a probationary period. However, the probationary period cannot exceed 3 months.

Sources: §42 of the Labour Act, 2017

Notice Requirement

The Labour Act provides for the termination of contract through notice. The contract termination notice period is dependent upon the payment period of the employee (daily, weekly, fortnightly and monthly basis) and length of service. The notice period is one month by either party for an employee in continuous service of the employer for one year or more; two weeks for an employee after continuous service of an employer for six months to one year; one week for an employee for a continuous service of less than 6 months.

The parties can agree to a longer

termination notice. The employer can further waive the right to receive notice of termination upon request of an employee. Also, the employee can accept payment, instead of notice of termination, equivalent to total wages and entitlements to which the employee would have been entitled to for the required notice period.

There can be multiple reasons for termination of contract by an employer: incapacity of an employee to perform work; repeated failure of an employee to perform work; gross misconduct by an employee; and changes in operational requirements. The employer is to provide an employee with a written notice stating the reason for termination of employment.

There is also termination due to death. The employment contract, in such a circumstance, is to come to an end one month after the death of an employee. Where the employee leaves employment because of the conduct of the employer, it is considered summary termination, whereby the employer is taken to have terminated the employment contract. An employer is entitled to dismiss summarily an employee where the employee had fundamentally broken his obligation under the employment contract.

Sources: §72-79 of the Labour Act, 2017

Severance Pay

A worker is entitled to severance pay after being in continuous service of the employer for at least six months. Severance Pay is due where the employee has been unfairly dismissed by the employer; the employee dies in the service of his employer; the employee terminates the employment contract due to a physical incapacity; the

employment contract is terminated due to the death and insolvency of the employer; and in any circumstance where regulations require so.

However, severance pay is not required in several circumstances. First, where an employee has been summarily dismissed with justification. Second, where an employee abandons his employment or takes leave from the workplace for a period of more than 7 days without permission of the employer. Third, where the employment contract terminated was a probationary contract. The calculation of severance pay is negotiable between the employer and the employees/trade union. There is also provision for gratuity pay. It is available to a worker who has completed at least one year of continuous service. The gratuity pay is one month salary for each year of service where the total length of service with the employer is ten years or less. The gratuity pay is one and a half month's salary for each year of service where the worker has completed more than 10 years. The gratuity pay further rises to one and three quarters of a month's salary for each additional year of service where the length of service exceeds 15 years. The total gratuity payment cannot exceed 36 months gross salary.

Sources: §80 & 81 of the Labour Act, 2017

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

South Sudan has not ratified both the Conventions 156 & 165.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Labour Act, 2017

Paternity Leave

An employee is entitled to two weeks of paternity leave on full pay, to be taken within three days after the birth of his child or immediately following miscarriage by his wife. On completion of paternity leave, the worker has the right to return to the position that he held immediately before taking leave.

Sources: §65 of the Labour Act, 2017

Parental Leave

There is no provision in the law on paid or unpaid parental leave.

Flexible Work Option for Parents / Work-Life Balance

There is no option in the law on flexible work options or part time work for parents during early years of children.

An employee who is employed to work for more than 4 days a week and has been in continuous service for the employer for at least three months, is entitled to fully paid annual compassionate leave of 3 days. An employee can take compassionate leave due to illness/injury of a child or spouse, or because of a death of a family member of employee.

Sources: §66 of the Labour Act, 2017

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

South Sudan has not ratified both the Conventions 103 and 183.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Constitution of South Sudan, 2011 (last amended in 2013)
- Labour Act, 2017

Free Medical Care

The South Sudanese Constitution requires that the state shall provide maternity and child care and medical care for pregnant and lactating women. However, no statutory provisions/laws have been enacted to provide these services.

Source: §16.4.c of the Constitution of South Sudan, 2011

No Harmful Work

The Labour Act prohibits an employer from requiring an employee who is pregnant or is nursing a child from performing work which is hazardous to her health or to the health of her child. Furthermore, employer may not allow a pregnant employee to perform night work eight weeks prior to childbirth. An employee who has recently given birth also cannot perform night work eight weeks following childbirth. It may also be for any other period as specified in the medical certificate issued by a hospital or a clinic.

Sources: §64 of the Labour Act, 2017

Maternity Leave

Female employees are entitled to at 90 days of fully paid maternity leave as well as 45 days for breastfeeding while working half days. The employee has to take at least 90 days of the maternity leave immediately following childbirth. The worker must give her employer at least a 14-day notice.

A period of maternity leave taken before the anticipated date of childbirth is extended by the time between the anticipated and actual date of childbirth, and the period of compulsory maternity leave following childbirth cannot be reduced for this reason. An employee who has a miscarriage or a stillborn child is entitled to a six-week leave afterwards.

Sources: §64 of the Labour Act, 2017

Income

The maternity leave for 90 days is granted with full pay. The payment is employer liability.

Sources: §64 of the Labour Act, 2017

Protection from Dismissals

Dismissal on the ground of sex, pregnancy and childbirth is prohibited under the law. Moreover, an employer cannot terminate employment contract of a worker who is absent for reasons acceptable under the law. Since maternity leave is provided under the law, pregnancy and maternity are acceptable reasons for absence. Thus, employment of a worker during maternity leave is secure.

Sources: §6 and 73(2) of the Labour Act, 2017

Right to Return to Same Position

An employee, after her maternity leave, has the right to return to the position she held immediately before the maternity leave.

Sources: §64(6) of the Labour Act, 2017

Breastfeeding

An employee who returns from maternity leave and is nursing her child is entitled for at least six months following her return to two breaks of thirty minutes each during the work day, or a reduction of 60 minutes from her daily working hours, or a clean space for breastfeeding. This nursing break is in addition to all other breaks to which the employee is entitled and is to be considered working time with pay.

In accordance with the Constitution of South Sudan, 2011, government should provide maternity, child care and medical care to the pregnant and lactating women.

Source: §64(7 & 8) of the Labour Act, 2017; §16(4c) of the Constitution of South Sudan, 2011

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

South Sudan has not ratified both the Conventions 81 and 155.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Labour Act, 2017

Employer Cares

Every owner of an industry is required to take the necessary precautions to protect workers against industrial accidents and occupational diseases. The employer is responsible for maintaining the workplace; taking reasonable measures to ensure safety; providing information and training as is necessary; provide protection to prevent contamination; take reasonable measures to provide a safe working environment; ensure employees' participation in application and review of safety and health measures; and consult employees and their representatives on all questions related to workplace health and safety.

Furthermore, an employee is to take immediate steps to stop any operation and evacuate the employees, if there is an imminent and serious danger to health and safety of employees. An employer cannot dismiss or take disciplinary action concerning an employee who has departed from a hazardous situation. Similarly, the employer cannot require an employee to resume work in hazardous circumstances.

Sources: §110, 111 & 114 of the Labour Act, 2017

Free Protection

The Labour Act expressly states that the employer cannot deduct from the wages of the employee the cost of any equipment, material, tool or protective gear which the employee has provided to the employee for

the purposes of performing the duties under the employment contract.

Sources: §51 of the Labour Act, 2017

Training

Employers are required to ensure that employees have been trained as is necessary to ensure safety and health at the work of every employee.

Sources: §110 of the Labour Act, 2017

Labour Inspection System

The Labour Act allows for the appointment of labour inspectors to advise and supervise compliance of the Labour Act and any collective agreement or arbitration award made under it. Furthermore, the inspector is to investigate complaints and administrative proceedings received under the Labour Act, any other legal instrument, collective agreement or arbitration award.

The labour inspector has the power to enter the factory premises during working hours, by day or at night in order to inspect, inquire into accidents, examine the equipment and materials and take samples or to verify any other particulars he/she deems necessary. The employer or his/her agent or representative are required to furnish to the industrial safety inspector all data and information requested.

Sources: §27 & 28 of the Labour Act, 2017

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

South Sudan has not ratified the Conventions 102, 121 & 130.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Labour Act, 2017
- Work Injuries Compensation Act 1981
- Social Insurance Act 1990, amended in 2008

Income

An employee is entitled to 12 days of sick leave on full pay per year of continuous service. Workers have to notify the employer of the need to take sick leave, and the anticipated duration of such sick leave, as soon as the employee becomes aware of incapacity to work. The employer can require an employee to provide a medical certificate verifying that the employee is incapacitated due to an illness or injury, and the duration for which this injury or illness will last.

Sources: §63 of the Labour Act, 2017

Medical Care

No statutory medical benefits are provided.

Job Security

Employment of worker is secure during sick leave or incapacity leave.

Sources: §63 of the Labour Act, 2017

Disability / Work Injury Benefit

Work injuries are divided into four categories: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury

leading to death of a worker.

In the case of permanent incapacity/disability, benefit is 80% of average monthly earnings in the three years before disability began.

In the case of partial disability, if the assessed degree of disability is at least 15%, a percentage of full benefit is paid according to the assessed degree of disability.

No statutory benefits are provided in the case of temporary disability.

In the case of fatal injury, dependents (widow/disabled widower, children, parents, brothers and sisters) receive survivors' pension. 80% of average monthly earnings in the last years before insured worker's death is paid as survivors' benefit. Survivors' pension can also be paid as lump-sum. Survivor's benefits also include death grant.

Source: Work Injuries Compensation Act 1981; Social Insurance Act 1990, amended in 2008

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

South Sudan has not ratified the Conventions 102, 121, 128, 130 and 168.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

- Social Insurance Act 1990

Pension Rights

Law provides for both full and early pension. For full pension, a worker must have attained 60 years of age with at least 240 months (20 years) of contributions. Early pension is available to the workers who have attained the age of 50 years with 240 months (20 years) of contributions.

The old age pension is 0.02% of the insured's average monthly earnings in the last three years before retirement for each 12-month period of contributions. Minimum total pension is 40% of the average monthly earning in the last three years before retirement while the maximum total pension is 80% of the average monthly earnings. Total pension is reduced by 15% if the worker is aged 50-54 years. Pension is reduced by 10% for workers aged 55-59 years.

The old age pension entitlement conditions may be relaxed for the persons involved in hard labour or who practice such

occupations which require early retirement.

Source: §55-58 of the Social Insurance Act 1990, amended in 2008

Dependents' / Survivors' Benefit

The Social Insurance Act provides for survivor benefit. Survivors' benefit is based on old age or disability pension the deceased persons received or was entitled to receive. There is no minimum qualifying period.

Eligible survivors include a widow or a dependent widower and children younger than 18 years (26 years for students and no age limit for an unmarried daughter or disabled). If there is no surviving widow or child, the pension is paid to dependent brothers, sisters, and parents. Maximum survivors' pension is 50% of the deceased average monthly earnings. 90% of the survivors' benefit is paid to the widow(er) if there are no other eligible survivors; 50% if there are eligible children or parents; and 30% if there are both eligible children and parents. In case of several widows, or orphans or the presence of parents, the prescribed shares are equally distributed.

No. of case	Person entitled to Pension	Widows	Sons and daughters	Parents	Brothers and sisters	Percentage (%)
1	Widow, Widower or Widows	90%	-	-	-	90%
2	Widow, Widower, widows and sons and daughters	50%	50%	-	-	100%
3	Widow, Widower, widows and parents	50%	-	50%	-	100%
4	Widow, Widower, widows, sons, daughters and parents	30%	40%	30%	-	100%
5	Sons and daughters	-	100%	-	-	100%
6	Sons, daughters and parents	-	70%	30%	-	100%
7	Parents	-	-	90%	-	90%
8	Brothers and sisters	-	-	-	75%	75%
9	Brothers, sisters Widow, Widower or widows	75%	-	-	25%	100%
10	Brothers, sisters and parents	-	-	75%	25%	100%

Source: §74-78 & Schedule I of the Social Insurance Act 1990, amended in 2008

Unemployment Benefits

No provision in law for unemployment insurance and benefits.

Invalidity Benefits

Pension laws provide for invalidity benefit in the case of non-occupational accident/injury/disease resulting into

permanent invalidity. Invalidity pension is 50% of the insured worker's average monthly earnings in the last three years before the disability began. Maximum pension is 80% of the average monthly earnings in the last three years before the disability began.

Source: Social Insurance Act 1990, amended in 2008

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

South Sudan has ratified the Conventions 100 and 111 only.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Constitution of South Sudan, 2011 (last amended in 2013)
- Labour Act, 2017

Equal Pay

In accordance with the provisions of the Constitution, women have the right to equal pay for equal work and other related benefits with men. Under the Labour Act, every employee is entitled to equal remuneration for work of equal value. An employer is required to take necessary steps in order to guarantee remuneration for every employee for work of equal value. Any unilateral decision by the employer which contravenes the right to equal pay, is deemed to be null and void.

Source: §16.2 of the Constitution of South Sudan, 2011; §8 of the Labour Act, 2017

Sexual Harassment

Sexual harassment is prohibited under the Penal Code. In accordance with the Penal Code, whoever uses his or her position of authority or advantage to offer a benefit in exchange for sexual favours; intimidate another person or threaten retaliation if such person refuses to engage in any type of sexual relations; and engage in any unwanted physical contact of a sexual nature with respect to another person, including, but not limited to inappropriate touching, commits the offence of sexual harassment. Whether a particular act constitutes sexual harassment is a matter of fact, which depends on the character and nature of the parties. Whoever intentionally engages in sexual harassment commits an offence, and once convicted, is liable to

imprisonment up to three years, or fine or both.

The Labour Act defines sexual harassment as deliberate sexual comments and gestures, implicit or explicit, of any conduct of sexual nature that is unwanted, embarrassing, demeaning or compromising. It can be a single incident or occur over a period of time. Following acts consist of sexual harassment: sexual or insensitive jokes, lewd suggestions, whistling, foul language, slurs, innuendos, leering and obscene gestures; belittling comments on a person's anatomy or persistent demand for dates; asking for sexual favours; unwanted physical contact; display of pornographic or sexually suggestive pictures; indecent exposure; sexual assault or rape; and unwelcome sexual advances.

An employer is to ensure that no person sexually harasses an employee during the course of the employee's work for the employer. Employer is required to issue a policy statement on harassment in consultation with workers' representative where number of employed workers is 20 or more. The employer is to make rules and regulations against sexual harassment to govern employer and employees at the workplace.

Source: §395 & 396 of the Penal Code Act 2008; §5 & 7 of the Labour Act, 2017

Non-Discrimination

In accordance with the Constitution of South Sudan, all persons are equal before the law without discrimination on the basis of race, ethnic origin, colour, sex, language, religious creed, political opinion, birth,

locality or social status. According to the Labour Act, no person can discriminate, directly or indirectly, against an employee or job applicant in any work policy or practice. The prohibited grounds of discrimination enunciated in the Labour Act include race, tribe or place of origin, national extraction, colour, sex, pregnancy or childbirth, marital status, family responsibilities, age, religion, political opinion, disability, health and HIV/AIDS, or participation in a trade union.

Source: §14 of the Constitution of South Sudan, 2011; §6 of the Labour Act, 2017

Equal Choice of Profession

No restriction on women employment could be located.

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

South Sudan has ratified the Conventions 138 and 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Labour Act, 2017
- Constitution of South Sudan, 2011 (last amended in 2013)

Minimum Age for Employment

In accordance with the provisions of Child Act, the minimum age for the admission of a child to a paid employment is 14 years. The minimum age for light work is 12 years however such work must not be harmful to the child and must not interfere with the child's education. The minimum age for the engagement of a child in light work is twelve years which constitutes work that is not likely to be harmful to the health or development of the child and does not affect the child's attendance at school or the capacity of the child to benefit from school.

A child engaged in a paid employment, has the right to be paid fairly, work reasonable hours in accordance with their age and capabilities, have at least 24 hours weekly mandatory leave, annual leave and to take regular recreational breaks. No employer may engage a child in employment without satisfactory proof of the child's age. The normal working hours for children are seven hours including the rest period of one hour with pay and the child is not employed for more than four consecutive hours.

Employer of a child must strictly adhere to the following requirements:
Maintain registers containing the names of children employed, ages, salaries, commencement dates of employment, assigned duties, working hours, duration of breaks and annual leave; display in a highly visible place, the terms and conditions of the employment; and inform employees

who are children of all professional hazards and precautionary measures to protect them from accidents and occupational illnesses.

Under the General Education Act, the compulsory education age is 13 years.

Source: §12 of the Labour Act, 2017; §25 of the Child Act 2008

Minimum Age for Hazardous Work

Child labour is the work undertaken by a child that in some way harms or exploits him or her, whether physically, mentally, morally, or by preventing him/her from education. Minimum age for hazardous work is 18 years. A child has the right not to be required to perform work to perform work which may be hazardous or harmful to his or her education, health or well-being.

The Child Act requires that every child be protected from exposure to economic exploitation and child labour. The hazardous child labour includes the work and activities related to mining and quarrying; portage of heavy loads and storage; heavy agricultural labour; construction work; work in industrial undertakings; work in places where heavy machines are used; work in places such as bars, hotels and places of entertainment, where a person may be exposed to immoral behaviour; work in electricity, gas, sanitary and water works; service with the police, prison or military forces; night work which constitutes work between the hours of 18:00 to 06:00; driving or touting in vehicles; herding which jeopardizes the interest of the child; any type of sexual work; and tobacco production and trafficking.

The Labour Act does not allow the

employment of a child below the age of 18 years to perform hazardous work. However, in consultation with trade unions, employer's association and the Labour Advisory Council, the Minister can issue regulations allowing children who are of 16 years of age to perform certain categories of hazardous work. There are certain conditions attached to it.

The Labour Act specifically states that no person is to allow the engagement of a child under 18 years of age in any hazardous work, which constitutes worst form of child labour. The worst form of child labour consists of slavery, prostitution, illicit activities, and any work which is likely to harm the health, safety or morals of the child.

Source: §17 of the Constitution of South Sudan, 2011; §13 of the Labour Act, 2017; §25 of the Child Act 2008

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

South Sudan has ratified the Convention 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Constitution of South Sudan, 2011 (last amended in 2013)
- Labour Act, 2017
- Child Act 2008
- Penal Code Act 2008

Prohibition on Forced and Compulsory Labour

Forced Labour, slavery and slave trade are prohibited under the Constitution. No person can be required to perform forced or compulsory labour except as a penalty upon conviction by a competent court of law. In accordance with the provisions of Penal Code, whoever, unlawfully compels any person to labour against the will of that person, commits an offence, and upon conviction, is sentenced to imprisonment for a term not exceeding two years or with a fine or with both. Whoever kidnaps or abducts any person with intent that such person may be unlawfully compelled to labour against his or her will commits an offence, and upon conviction, is sentenced to imprisonment for a term not exceeding seven years or with a fine or with both.

Under the Labour Act, a person cannot engage in the recruitment or use of forced labour, or assist any person in engaging in so. Furthermore, it is illegal to make use of forced labour as means of political coercion, economic development, labour discipline, punishment for participation in strikes, and discrimination. However, certain activities do not constitute forced labour: military service (recruitment of children in armed conflict is still considered forced labour); normal civic obligations of citizens; work extracted from a person as a consequence of a conviction from a court of law; work required in case of an emergency;

and performance of community service.

Source: §13 of the Constitution of South Sudan, 2011; §277-279 of the Penal Code Act 2008; §10 of the Labour Act, 2017

Freedom to Change Jobs and Right to Quit

Workers have the right to change jobs after serving due notice to their employer. For more information, please refer to the section on employment security.

Inhumane Working Conditions

The normal working hours are 8 hours a day and 48 hours a week. On mutual consent, a worker may work up to 3 hours overtime in a day and 10 hours in a week. Thus, the maximum working hours inclusive of overtime are 50 hours a week

Sources: §56 and 57 of the Labour Act, 2017

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)
Right to Organize and Collective Bargaining: Convention 98 (1949)

South Sudan has ratified the Convention 98 only.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Constitution of South Sudan, 2011 (last amended in 2013)
- Labour Act, 2017
- Workers' Trade Union Act, 2013

Freedom to Join and Form a Union

Constitution and labour law provide for freedom of association and allow workers and employers to join and form unions. This right is regulated by the Workers' Trade Union Act. Certain categories of workers are prohibited to form a trade union or federation. These include: any disciplined force including the army, police, prisons, fire brigade and wild life forces; National security forces; Constitutional post holders; Judges and justices; Public Attorneys and Legal Advisors; and Senior members of the diplomatic service.

An employer shall not, for reasons related to a worker's activity in the Worker's Union or Federation, dismiss, downgrade, compulsory retire or take any other action in relation to the worker that is prejudicial to the worker. The Labour Act states that all employees have the right to establish and join trade unions of their own choosing. Furthermore, the employment contract cannot be terminated if an employee is a member of a trade union or participates in the any activity of trade union outside of working hours or with the consent of employer within working hours. Also, the employment contract cannot be terminated where the employee is acting as a representative of other employees at workplace of the employer.

An employer shall not: offer any worker any assistance, whether financial, educational or any other kind, for the purpose of enticing that worker to join or not to join

any Union.

Source: §25 of the Constitution of South Sudan, 2011; §6 & 28 of the Workers' Trade Union Act, 2013; §9 & 73 of the Labour Act, 2017

Freedom of Collective Bargaining

Collective agreements are allowed under the Labour Act. The collective agreement must contain a procedure for settlement for disputes resulting from interpretation and application of the collective agreement. Furthermore, where the collective agreement is for a definite period, then the initial term of the collective must be expressly stated as well as the procedure to be followed for the purpose of renewing the collective agreement upon expiry.

Every collective agreement has to be registered with the Office of the Labour Commissioner. A copy of the collective agreement has to be filed within 30 days of its conclusion. It is then registered unless the Office of the Labour Commissioner is of the view that the collective agreement does not comply with the Labour Act or has the effect of prejudicing employee's entitlements.

Sources: §88, 90 & 91 of the Labour Act, 2017

Right to Strike

The Labour Act provides that workers have the right to strike in order to resolve a dispute concerning any matter to which they are party. However, before exercising the right to strike, workers have to take all reasonable steps to resolve the dispute in good faith, participate in conciliation and arbitration as provided under the Labour Act, and give the employer at least a 7-day

notice of the intended strike. That being said, such requirements are not necessary where the strike conforms with the collective agreement, the strike is in response to an illegal lockout, or the employer fails to obtain a certificate from the Labour Commissioner for a unilateral change to the terms and conditions of employment which has been disputed by employee/trade union.

A person cannot participate in a strike if the collective agreement prohibits a strike in respect of the issue, the issue is required under collective agreement to be referred to arbitration, or is engaged in an essential service.

An employer may not terminate employment contract for the participation of an employee in a protected strike or for any conduct in contemplation or in furtherance of a protected strike.

An employer is not precluded from terminating the employment contract of an employee in for reasons related to the misconduct of an employee during the strike or for reasons based on the employer operational requirements.

The employer is prohibited to employ or otherwise engage any person to perform the work of any employee participating in a protected strike or during lockout. A worker may refuse to perform the work of another employee engaged in a protected strike or during lockout.

Sources: §96-98 of the Labour Act, 2017

QUESTIONNAIRE

DECENTWORKCHECK.ORG

Check

Decent Work Check South Sudan is a product of WageIndicator.org and
www.mywage.org/southsudan



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security





10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



10/13 Fair Treatment

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment, promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

	Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
	Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
	Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
	Age		<input type="checkbox"/>	<input type="checkbox"/>
	Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
	Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
	Language		<input type="checkbox"/>	<input type="checkbox"/>
	Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
	Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
	Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
	Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40	I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41.	In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42.	In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43.	I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44.	My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45.	My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46.	I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47.	I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48.	My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49.	I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

South Sudan scored 36 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.