

## 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 &amp; 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 &amp; 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 &amp; 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<br><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 30 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.

# DECENTWORKCHECK.ORG

## 01/13 Work & Wages

### Regulations on work and wages:

Labour Bill, 2012

### Minimum Wage

There is no law stipulating a national minimum wage.

### Regular Pay

The workers' wages are paid in cash and may be paid on daily, weekly or monthly basis as agreed upon unless the competent authority directs otherwise. The employer and the production worker, while contracting for work of indefinite duration, may agree to a specific wage for payment on certain wage payment periods as agreed between the parties.

The wages of daily workers are paid on daily basis unless there is an agreement between the parties for payment at the end of working day in the workplace during the working hours. Once the wages are due (at the end of week, fortnight or month), these must be paid within three days from the date of entitlement and cannot be delayed further. In the event of contract termination, all entitlements of the worker are paid within a week of the date of contract termination.

The wages must be paid to the worker or to the person whom he/she delegated in writing without any deductions unless the deduction is in accordance with the law. Employer is required to give the worker a statement of deductions, if requested by the worker. The legal deduction include deductions for absence, loans granted by the employer (with the condition that periodical deductions for loans cannot exceed 15% of the basic salary).

Sources: §36-38 of Labour Bill, 2012

# DECENTWORKCHECK.ORG

## 02/13 Compensation

### Regulations on Compensation:

Labour Bill, 2012

### Overtime Compensation

The normal working hours are 8 hours a day and 48 hours a week (excluding the meal & rest hours of at least 30-minute duration during each day). The competent authority, after consultation with the Council, may amend the daily and weekly working hours or intervals for some periods of the year or for some categories of workers according to the nature and kind of work.

In the case of emergency, an employer may require a worker to perform overtime however the overtime hours may not exceed 4 hours per day and 12 hours per week. The overtime is optional in call cases for women.

An 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). This rate is for working overtime on normal week days. If workers are required to do overtime work on a gazetted public holiday, they are paid two times the rate of normal pay (200% of the normal wage rate). The overtime premium is calculated on the basis of basic salary

Sources: §43 & 44 of Labour Bill, 2012

### Night Work Compensation

There is no provision in the law that requires an employer to make premium payment to the night workers.

### Compensatory Holidays / Rest Days

There is no provision of compensatory rest day when a worker has to perform work on a weekly rest day or a public holiday.

### Weekend / Public Holiday Work Compensation

There is a premium pay for working on Public Holidays. When a worker performs work on Public Holidays, he receives wages at a premium rate of 200% of the normal hourly wage rate.

Sources: §44 of Labour Bill, 2012

## DECENTWORKCHECK.ORG

**03/13 Annual Leave & Holidays****Regulations on annual leave and holidays:**

Labour Bill, 2012

**Paid Vacation / Annual Leave**

Employees are entitled to paid annual leave for every year of service. The paid annual leave is: 20 days for one to three years of continuous service; 25 days for eight to (less than) fifteen years of continuous service; and 30 days for 15 or more years of service with the employer.

The timing of annual leave is decided while considering the requirements of the enterprise and includes official holidays and vacation. If the employment of a worker is terminated for any reason or in case of resignation by the worker, worker is entitled to compensation for all days of annual leave or proportionate part thereof if he was entitled to the annual leave but was not yet granted. The worker with the consent of the employer may postpone the annual leave for one year or he/she may divide it between the year in which it was due and the following year. However, it cannot be delayed more than one year and during the next year, the worker is entitled to his annual leave plus the postponed leave of the previous years.

Sources: §45 of Labour Bill, 2012

**Pay on Public Holidays**

During the official occasions and holidays, workers are entitled to leave with full pay, except the daily workers who are entitle to leave after completion of three months of continuous service.

Workers are entitled to paid Festival (public and religious) holidays. Festival holidays are announced by the Government. During the official occasions and holidays, workers are entitled to leave with full pay, except the daily workers who are entitle to leave after completion of three months of continuous service.

These are New Year's Day (January 01), Good Friday, Easter Monday, Labor Day (May 01), SPLA Day (May 16), Independence Day (July 09), Martyrs' Day (July 29), Eid al-Fitr (End of Ramadan: 2 days), Eid al-Adha (Feast of Sacrifice: one day), Christmas Eve (December 24), and Christmas Day (December 25).

Sources: §46(3) of Labour Bill, 2012

# DECENTWORKCHECK.ORG

## Weekly Rest Days

There is no clear provision in the Labour Bill 2012 on the weekly periods of rest. Labour law does prohibit employment of young persons on weekly rest day but it does not specify the day on which the weekly rest is to be taken.

Daily rest break of at least half an hour with pay, for taking the meal or for rest, is provided to the workers employed for forty-eight hours per week or eight hours a day. This rest period for women should be one one and a half hour or more; provided that the working period is not extend for consecutive hours without gap. Rest period for children is one hour with pay.

Sources: §22(3), 23(7), 24 & 43(1) of Labour Bill, 2012



# DECENTWORKCHECK.ORG

## 04/13 Employment Security

### Regulations on employment security:

Labour Bill, 2012

### Written Employment Particulars

The Labour Bill requires that any contract that exceeds three months in duration must be in writing. The written contract must be drawn up in three copies signed by both of the parties. One copy each is kept by employer and the worker and the third copy is submitted to the Labour Office. A written contract becomes effective only after the worker has signed it either by writing his name or printing his thumb impression or stamp on it. The worker may also call a witness to read the contract. Employer can also read the terms of contract to the worker in the presence of witness brought by the worker.

A written contract must clearly specify the right and obligations of the two parties and must contain following particulars: the particulars of the parties, i.e., the worker and the employer including worker's age, domicile and any other particulars necessary; the nature and kind of work agreed upon to be performed ,the starting date and workplace; the agreed wage and the time of payment; the notice period contract termination; any other terms of service to be agreed upon; educational certificates, experience certificates and any other relevant documents; date of termination of the definite work contract; any other particulars under the provisions of this law.

Sources: §29-31 of Labour Bill, 2012

### Fixed Term Contracts

The Labour Bills provides for conclusion of employment contracts for definite or indefinite period or for the performance of some specific work. The duration of a definite term contract cannot exceed two years. The definite term contract may be renewed only once. Since the renewal period is considered continuous with the previous service, the maximum length of a fixed term contract including renewals is two years (24 months). If a worker continues service after duration of the period of renewal, he is deemed as contracting for an indefinite period contract. Any written contract is considered indefinite unless it is clearly stated that it is for a definite period or that it is for performing a specific work or for substituting another worker. South Sudanese labour Law allows hiring fixed term contract workers for tasks of permanent nature.

Sources: §30 of Labour Bill, 2012

# DECENTWORKCHECK.ORG

## Probation Period

The probationary period cannot exceed three months with the exception of the training period. The work contract is considered an indefinite contract if the probation period is not specified and the probationary period have elapsed without the contract being terminated by either party. The provisions on training contract are provided in section 18-20 of the Labour Bill.

Sources: §30 of Labour Bill, 2012

## Notice Requirement

The Labour Bill provides for the termination of contract through notice. The reasons for contract termination through notice include the disability of the worker to perform his work or long illness exceeding the limits of paid or unpaid annual sick leave; on the completion of work or expiry of the period of contract; the total destruction of the establishment; attaining the age of 60 years; dismissal of the worker or desertion of work by the worker during probationary period; agreement of the parties to terminate the contract; resignation of the worker; or death of the worker.

The contract termination notice period is dependent upon the payment period of the worker (daily, weekly, fortnightly and monthly basis) and length of service. The notice period is one month for a worker paid on monthly basis; two weeks for a worker paid on fortnightly basis and has completed less than five years of service; one week for a worker paid on weekly basis on completion of less than two years of service and two weeks if the worker has completed two years but less than five years of service. If the worker is paid on the daily basis, the employment contract can be terminated on any working day if the worker has not completed three months of continuous service. The notice period for daily wage workers is one week if the worker has completed between three months and two years of continuous service and two weeks' notice period if the worker has completed between two to five years of continuous service. The notice period for workers paid on daily, weekly and fortnightly basis is one month if the worker has completed at least five years of service. The notice period is six months for expiration of contract by reason of reaching the age of pension. The law provides for payment in lieu of notice if the contract terminating party does not give due notice to the other party. On completion of the half of the notice, the worker may leave work to look for new job however he/she is paid wages for the remaining period of notice. If a worker is entitled to some annual leave on the expiry of a work contract, the remaining leave period cannot be calculated in the notice period.

The law also provides termination of contract by the employer without notice to the worker. The reasons include assuming personality of some other person or using forged papers for employment; gross negligence on the part of the worker causing heavy financial loss to the employer; non-compliance with health and safety instructions; disclosure of industrial or commercial secrets; conviction of worker on an offence concerning honour, honesty, morality or some immoral act committed at the workplace; assault on the employer, manager or other superior workers; and if a worker is found in obvious state of drunkenness or under influence of any intoxication. A worker can also terminate the contract without notice to the employer in the following cases: if the worker is cheated by the employer or any other person working on his/her behalf; if the employer or any other person working on his/her behalf commits an assault punishable by the law; and if

## DECENTWORKCHECK.ORG

there is a serious danger threatening the safety of the worker or affecting his or her health; provided that the employer knows the danger and does not take the measures and procedures necessary to prevent the same.

However, a work contract cannot be terminated without notice before referring the dispute to the competent authority and obtain its approval. The competent authority has to make the appropriate investigations concerning that case and has to give its decision within a maximum period of two weeks starting from the date of referring the dispute thereto. An employer may apply to the competent authority for reduction of number of workers or closing of the workplace for economic or technological reasons.

Sources: §49-56 of Labour Bill, 2012

### Severance Pay

A worker is entitled to severance pay/gratuity on completion of at least three years of service. The severance pay is calculated as follows:

- one basic monthly wage for each year of service for worker with greater than 3 but less than 10 years of service;
- one and a half monthly wage for each year of service for workers with greater than 10 but less than 15 years of service (for each year after the first 10 years); and
- one and three quarterly monthly wage for each additional year of service for workers with greater than 15 years of service

Total severance pay can't exceed 36 months' basic wage.

If a worker has terminated the contract, he/she is entitled to severance pay at the following rates:

- 25% of the gratuity payable (normally) with five years of service;
- 50% of the gratuity payable (normally) with five but less than 15 years of service;
- 75% of the gratuity payable (normally) with 15 but less than 20 years of service; and full gratuity (100%) payable (normally) with 20 years of service

The seasonal workers are also entitled to gratuity if their seasonal work duration is at least three months and provided that the actual days of service with the same employer are not less than three years.

Sources: §59-62 of Labour Bill, 2012

# DECENTWORKCHECK.ORG

## 05/13 Family Responsibilities

---

### Regulations on family responsibilities:

#### **Paternity Leave**

No provisions on paternity leave for new fathers could be identified

#### **Parental Leave**

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

#### **Flexible Work Option for Parents / Work-Life Balance**

No provisions could be located in the law supporting work-life balance for parents or workers with family responsibilities.

# DECENTWORKCHECK.ORG

## 06/13 Maternity & Work

### Regulations on maternity and work:

Constitution of South Sudan, 2011 (last amended in 2013)

Labour Bill, 2012

### 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 (last amended in 2013)

### No Harmful Work

The Labour Bill prohibits employment of women in occupations which are hazardous, arduous or harmful to their health, such as carrying weights or assigning women to perform jobs under ground or under water or jobs which may expose them to poisonous material/toxic substances or to temperatures exceeding the normal limits borne by women

Sources: §21 of Labour Bill, 2012

### Maternity Leave

Female employees are entitled to at 56 days (8 weeks) fully paid maternity leave. Of these 56 days, a worker can either take:

- 4 weeks before confinement and 4 weeks after confinement; or
- two weeks before her confinement and six weeks after her confinement

If a women worker absents herself from work even after completion of 8 weeks of maternity leave due to some illness resulting from pregnancy or delivery on the recommendation of a medical practitioner, such leave is considered sick leave.

Sources: §47 of Labour Bill, 2012

### Income

The maternity leave is granted with full pay and the pay during leave period is financed by the employer.

Sources: §47 of Labour Bill, 2012

# DECENTWORKCHECK.ORG

## Protection from Dismissals

A women worker can't be dismissed during the period of her pregnancy or maternity leave.

Sources: §47 of Labour Bill, 2012

## Right to Return to Same Position

There is no specific provision in the law granting a worker the right to return to same position after availing her maternity leave. However, it is implied from art. 47 that a worker cannot be dismissed during the term of her maternity leave which means that right to return to work is guaranteed under the law. However, the right to return to the same position is not.

Sources: §47 of Labour Bill, 2012

## Breastfeeding

No applicable provisions allowing mothers to nurse/breast feed their children during office hours could be located in the law.

In accordance with the constitution, government should provide maternity, child care and medical care to the pregnant and lactating women.

Source: §16(4c) of the Constitution of South Sudan, 2011 (last amended in 2013)

# DECENTWORKCHECK.ORG

## 07/13 Health & Safety

### Regulations on health and safety:

Labour Bill, 2012

### Employer Cares

Every owner of an industry is required to take the necessary precautions to protect workers against industrial accidents and occupational diseases.

### Free Protection

The Labour Bill requires employers to provide protective equipment (means of protection) against work hazards. No worker employed in any factory has to perform such work which may expose him/her or others to danger. He/she has the benefit of all means of protection provided for him/her. Moreover, no worker may intentionally damage or misuse the materials, machinery and other property of the factory. Every factory owner has to bring to the notice of workers the occupational dangers and the protection means and shall ensure such protection of his or her workers against industrial accidents or occupational diseases.

Sources: §92 & 94 of Labour Bill, 2012

### Training

Employers are required to ensure that workers have been well trained by keeping them under the supervision of one or more experienced persons in the field.

Sources: §93 of Labour Bill, 2012

### Labour Inspection System

Labour Bill provides for appointment of Industrial Safety Inspector to supervise factories and industrial operations specified under the law. An industrial safety 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 factory owner or his/her agent or representative are required to furnish to the industrial safety inspector all data and information requested.

Sources: §85 & 86 of Labour Bill, 2012

## DECENTWORKCHECK.ORG

**08/13 Sick Leave & Employment Injury Benefits****Regulations on sick leave& employment injury benefits:**

Labour Bill, 2012

Work Injuries Compensation Act 1981

Social Insurance Act 1990, amended in 2008

**Income**

If an employee is sick, he/she is entitled to paid sick leave (up to 9 months) in the following manner:

- full pay for the first three months of absence;
- half pay for the next three months of absence (4th, 5th and 6th months); and
- 25% of the pay for the next three months of absence (7th, 8th & 9th months)

If a worker's disease lasts more than 9 months, he shall no longer receive wages and would be considered on sick leave without pay. The sickness benefit is paid for a maximum of 270 days per year.

Sources: §48 of Labour Bill, 2012

**Medical Care**

No statutory medical benefits are provided.

**Job Security**

Employment of a worker is secure during the paid sick leave. An employer can't terminate a labour contract due to a worker's sickness unless the worker has exhausted his sick leave and the medical commission has determined his/her unfitness for the work.

Sources: §48 of Labour Bill, 2012



# DECENTWORKCHECK.ORG

## 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

# DECENTWORKCHECK.ORG

09/13 Social Security

## 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 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.

## DECENTWORKCHECK.ORG

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

# DECENTWORKCHECK.ORG

## 10/13 Fair Treatment

### Regulations on fair treatment:

Constitution of South Sudan, 2011 (last amended in 2013)

Labour Bill, 2012

### 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.

Source: §16.2 of the Constitution of South Sudan, 2011 (last amended in 2013)

### 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 favors; 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.

An employment may terminate the employment of a worker if he/she is convicted of an offence concerning some immoral act committed in the workplace. In this regard, the sexual harassment may fall under such immoral act.

Source: §395 & 396 of the Penal Code Act 2008; §52(f) of the Labour Bill 2012

### 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, color, sex, language, religious creed, political opinion, birth, locality or social status.

Source: §14 of the Constitution of South Sudan, 2011 (last amended in 2013)

# DECENTWORKCHECK.ORG

## Equal Choice of Profession

Women cannot work in the same industries as men as law prohibits employment of women in occupations involving hazardous, harmful and arduous work

Source: §21 of the Labour Bill 2012

**Regulations on minors and youth:**

Labour Bill, 2012

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 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.

Children under twelve of age cannot be employed with the exception of the State vocational schools; training workshops not for profit purposes; member of employer family who work under his or her supervision in the enterprise no other person is employed; and workers under apprenticeship contract. A full medical examination of the child must be done before engaging him/her for work and at some fixed interval. The employment contract of a child is terminated if it is proved that he/she is unfit for the work according to a medical certificate issued under this law.

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

Source: §23-28 of Labour Bill, 2012; §25 of the Child Act 2008

# DECENTWORKCHECK.ORG

## 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 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 Bill also has a list of hazardous work which includes nearly the same activities as enumerated above. Moreover, the Labour Bill requires that children should not be employed between 20:00 and 06:00, however the competent authority may exempt any number of children from this provision provided their ages are between fifteen and sixteen years. Children cannot be employed for additional hours (overtime) and cannot be employed on the weekly or official holidays or waiver of his or her right of annual leave, postpone or break the annual leave.

Source: §17 of the Constitution of South Sudan, 2011 (last amended in 2013); §23-28 of Labour Bill, 2012; §25 of the Child Act 2008

## DECENTWORKCHECK.ORG

**12/13**      **Forced Labour****Regulations on forced labour:**

Constitution of South Sudan, 2011 (last amended in 2013)

Labour Bill, 2012

Child Act 2008

Penal Code Act 2008

**Prohibition on Forced and Compulsory Labor**

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.

Source: §13 of the Constitution of South Sudan, 2011 (last amended in 2013); §277-279 of the Penal Code Act 2008

**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**

Working time may be extended beyond normal working hours of forty-eight hours per week and eight hours a day. In the case of emergency, an employer may require a worker to perform overtime however the overtime hours may not exceed 4 hours per day and 12 hours per week. The overtime is optional in call cases for women.

Sources: §43 & 44 of Labour Bill, 2012



## DECENTWORKCHECK.ORG

**13/13 Trade Unions****Regulations on trade unions:**

Constitution of South Sudan, 2011 (last amended in 2013)

Labour Bill, 2012

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.

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 (last amended in 2013); §6 & 28 of the Workers' Trade Union Act, 2013

**Freedom of Collective Bargaining**

Right to collective bargaining is not provided under the Constitution or Labour Bill. The Labour Bill has only one provision regarding (collective) agreements. It says that the period of continuance in force has to be included in the agreement, provided that it shall not exceed three years unless the agreement deals with fixing of wage and working hours in such case the period may extend to a period not exceeding five years

Sources: §109 of Labour Bill, 2012

# DECENTWORKCHECK.ORG

## Right to Strike

Right to peaceful strike is not recognized under the constitution or Labour Bill. Where a dispute is not settled amicably within the period referred to under the Labour Bill, it is referred to an arbitration body for a decision without requesting the permission of the two parties to the dispute. The decision of the arbitration committee is final and may not be subject to appeal.

Workforce and official are prohibited from stoppage of work whether total or partial and no employer shall close up the place of work whether totally or partial by reason of a trade dispute in the following cases: before entering into negotiation; immediately after any party applies for mediation; during mediations proceedings; immediately after the decision of the Governor to refer dispute to arbitration; during arbitration proceeding; and after the issue or the announcement of the award of the arbitration tribunal.

Sources: §103-122 of Labour Bill, 2012

## DECENTWORKCHECK.ORG

**01/13 Work & Wages****ILO Conventions on Work and Wages**

Minimum wage: Convention 131 (1970)

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

***South Sudan has not ratified the Convention 95, 117 & 131.***

**Minimum wage**

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.

**Regular Pay**

Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

**02/13 Compensation****ILO Conventions on Compensation**

Compensation overtime: Convention 01 (1919); Night work: Convention 171 (1990)

***South Sudan has not ratified the Conventions 01 & 171.***

**Overtime Compensation**

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 times (125%) the regular rate.

**Night Work Compensation**

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.

**Compensatory Holidays/Rest Days**

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

**Weekend/Public Holiday work Compensation**

If you have to work during the weekend, you 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 you have to work on a public holiday, you 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 your right to a holiday/ rest.

## DECENTWORKCHECK.ORG

**03/13 Annual Leave & Holidays****ILO Conventions on weekly rest days and paid annual leave**

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 & 132.***

**Paid Vacation/Annual Leave**

An employee is entitled to at least 21 consecutive 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.

**Pay on Public Holidays**

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

**Weekly Rest Day**

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

**04/13 Employment Security****ILO Conventions on employment termination**

Convention 158 (1982) on employment termination

***South Sudan has not ratified the Convention 158.***

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.

**Written Employment Particulars**

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 Contracts**

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

**Probation Period**

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

**Notice Requirement**

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

**Severance Pay**

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).

## DECENTWORKCHECK.ORG

**05/13 Family Responsibilities****ILO Conventions on family responsibilities**

Convention 156: Workers with Family Responsibilities Convention (1981)

Recommendation 165: Workers with Family Responsibilities (1981)

***South Sudan has not ratified the Convention 156.***

**Paternity Leave**

This is for the new fathers around the time of child birth and is usually of shorter duration.

**Parental Leave**

The accompanying recommendation (No. 165) to ILO Convention on Family Responsibilities 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 for looking into measures for improving general working conditions through flexible work arrangements.

**06/13 Maternity and Work****ILO Conventions on maternity and work**

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after. 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 Conventions 103 & 183.***

**Free medical care**

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

**No harmful work**

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

**Maternity leave**

Your maternity leave should last at least 14 weeks.

**Income**

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

**Protection from Dismissals**

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

**Right to return to same position**

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

**Breastfeeding/Nursing Breaks**

After child birth and your rejoining your organization, you must be allowed paid nursing breaks for breastfeeding your child.

## DECENTWORKCHECK.ORG

**07/13 Health & Safety****ILO Conventions on Health and Safety**

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 Conventions 81 & 155.***

**Employer cares**

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

**Free protection**

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

**Training**

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

**Labour Inspection System**

You and your colleagues should receive training in all work related safety and health aspects and you should have been shown the emergency exits.

**08/13 Sick Leave & Employment Injury Benefits****ILO Conventions on Sickness and Employment Injury**

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.***

**Income/Paid Sick Leave**

Your 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 you 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). You should be entitled to paid sick leave.

**Medical Care**

During illness, you 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.

**Job security**

During the first 6 months of your illness, you should not be fired.

**Disability/Work Injury Benefit**

Whenever you are disabled due to an occupational disease or accident, you ought to 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.

## DECENTWORKCHECK.ORG

**09/13 Social Security****ILO Conventions on Social Security**

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 Convention 102, 121, 128, 130 & 168.***

**Pension Rights**

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.

**Dependent's/Survivors' Benefit**

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.

**Unemployment Benefit**

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 Benefits**

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. Invalidation Benefit must at least be 40% of the reference wage.

**10/13 Fair Treatment****ILO Conventions on Fair Treatment**

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

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

***South Sudan has ratified both Conventions 100 & 111.***

**Equal Pay**

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.

**Sexual Harassment**

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

**Non-Discrimination**

Your 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)

**Equal Choice of Profession**

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

## DECENTWORKCHECK.ORG

**11/13 Minors & Youth****ILO Conventions on Minors & Youth**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

***South Sudan has ratified both Conventions 138 & 182.***

**Minimum Age for Employment**

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

**Minimum Age for Hazardous Work**

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.

**12/13 Forced Labour****ILO Conventions on Forced/Bonded labour**

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 both Conventions 29 & 105.***

**Prohibition on Forced and Compulsory labour**

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

**Freedom to change jobs and Right to quit**

Employers have to allow you to look for work elsewhere. If you do, you should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

**Inhumane Working Conditions**

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



**13/13 Trade Union****ILO Conventions on Trade Union Rights**

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.*

**Freedom to join and form a union**

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.

**Freedom of Collective Bargaining**

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).

**Right to Strike**

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.

# DECENTWORKCHECK.ORG

## About Decent Work and Decent Work Check

Compare your own situation with the international labour standards and how they are applied in South Sudan. At the end of the checklist you will see how things stand for you. You may be better off than what the international standards prescribe, but you should not be worse off. Behind every answer, you can find a short explanation of what your rights are; nationally and internationally. So you see right away if you can improve your situation.

The Decent Work Check makes the pretty abstract Conventions and legal texts tangible. Because, in the end, you want to know what your rights on the job mean in practice, what you may claim and what protection you are entitled to in case something unexpectedly does go wrong. The Decent Work Check employs double comparison system. It first compares national laws with international labour standards and gives a score to the national situation (happy or sad face). It allows workers to compare their real situation with national regulations in the country. Workers then compare their own score both at national and international levels. The Decent Work Check is based on de jure labour provisions, as found in the labour legislation. The real practice is informed by the employees themselves. This Check is different from other indices like World Bank's Doing Business Indicators or even ISSA's Social Security Programs throughout the World as it is not only descriptive in nature (bereft of any subjective opinions) but also that it covers a lot of different variables. The Revised Decent Work Check is also designed while taking into account upcoming Decent Work Indicators. While Decent Work Indicators focus more on statistics, our priority is informing workers about their rights through this Decent Work Check. Decent Work Check is useful 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 useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work.

WageIndicator teams, around the world, have found out that workers, small employers and labour inspectors don't even know the labour law.

When you are informed - being a workers, self-employed, employee, employer, policy maker, 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). As soon as you complete the DecentWorkCheck, you see which issues need improvement in your work life.

This is exactly the strategy chosen in the debates in many WageIndicator countries. In the debates with roughly 20-30 people around the table from all sides, the decent Work Check has soon the effect of a mini social dialogue. The people who run the dialogue are equally well informed.

The international labour standards are laid down in ILO-Conventions. ILO is the specialised body of the United Nations working on labour issues and was founded in 1919. In the ILO, negotiations are always going on between governments of the member states, national trade unions and employers associations regarding work related issues like rights at work and social protection. These negotiations may take years, but eventually lead to so called Conventions or Recommendations. In Conventions, minimum standards are laid down. Conventions are not the law, but the intention is that member states subscribe to the standard in question. The proper way to do that is to have these Conventions ratified by parliament and then make national laws (Some countries may follow the system of self-executing treaties). National law can be enforced. ILO-Conventions are usually accompanied by Recommendations on how to implement the standards.

Since 1999, the ILO works according to the so called Decent Work Agenda. In the meantime, the Decent Work Agenda has been widely accepted as an important strategy to fight poverty and foster development. The Agenda has been incorporated in the Millennium Development Goals of the United Nations. In short, the idea behind Decent Work is first of all an income which allows the working individual a good life. Moreover, at work, everybody has an equal chance to develop themselves; working conditions are safe; there is no instance of child and forced/bonded labour; and discrimination does not occur. Trade unions are allowed a real say in work related matters and the state has created a social safety net for all especially for the sick, weak, elderly and expecting women.

**Decent Work Checks are developed and updated by Iftikhar Ahmad, Labour Law Specialist, and Team**

**16 November, 2018**