



# DECENT WORK CHECK

## **SUDAN** 2023

Iftikhar Ahmad

## WageIndicator Foundation - [www.wageindicator.org](http://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.

## The Authors

Iftikhar Ahmad works as Labour Law Specialist with WageIndicator Foundation. He is the founder of the Centre for Labour Research, which is the global labour law office of the WageIndicator Foundation. He can be contacted at [iftikharahmad@wageindicator.org](mailto:iftikharahmad@wageindicator.org)

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## Bibliographical information

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## WageIndicator Foundation, 2023

Address: Mondriaan Tower, 17th floor, Amstelplein 36, 1096 BC, Amsterdam, The Netherlands.

Email: [office@wageindicator.org](mailto:office@wageindicator.org)

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# INTRODUCTION

Decent Work is the type of work to which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); the 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 of 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 the 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, or 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 12 more countries, thus taking the number of countries with a Decent Work Check to 125!

# MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Constitution of Sudan, 2019
2. Sudan Labour Act, 1997
3. The Child Act, 2010
4. The Combating of Human Trafficking Act, 2014
5. Trade Unions Act, 2010

# 01/13 WORK & WAGES

## **ILO Conventions**

Minimum wage: Convention 131 (1970)

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

**Sudan has ratified Convention 95 (1949) and 117 (1962) only.**

### ***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:

- Sudan Labour Act, 1997
- Minimum Standard of Wage Act, 1974

## Minimum Wage

Sudan follows a statutory minimum wage system where the state determines and revises the minimum wages.

The Minimum Standard of Wage Act 1974 requires payment of minimum wages to all adult workers who work in any establishment within the regions specified in various timeframes by the Minister. The Act does not apply to government officials, seasonal agricultural workers, employer's family members working in the same enterprise, domestic servants and persons specified in the Industrial Apprenticeship and Vocational Training Act 1974 or Wages and Conditions of Employment Tribunal Act 1976.

The Supreme Council for Wages was established in 2004 with the following objectives:

- i. Contribute to the development of comprehensive, stable and equitable wage policies in the public and private sectors, taking into account economic, social and financial factors in the country;
- ii. Give effect to the principle of equal pay for equal work and uphold the principle that pay is an incentive for productivity, with a view to stable employment;
- iii. Develop guidelines, bases and standards for the elimination of wage discrepancies;
- iv. Establish a centre for information and data for use in studies and research relating to wages;

- v. Propose and track the economic and social variables affecting a minimum wage.

The minimum wage can be determined in Sudan at a national level under the Minimum Wage Act of 1974 for the enterprise employing more than ten workers and through collective bargaining. The Labour Act 1997 also clearly says that the wage during the training period cannot be less than the minimum standard wage according to the Minimum Standard of Wages Act 1974.

The 1974 legislation also provides for a minimum annual increment of 5% on salary, depending on the satisfactory performance of the worker. The disputes related to the minimum wage should be referred to the commissioner or any other person on his behalf to make a decision.

**Source:** §1, 3-7 of the Minimum Standard of Wages Act 1974; §35 of the Labour Act 1997; §4-6 of the Sudanese Higher Council for Wages Act 2004

## Regular Pay

The Labour Act of Sudan defines wages as the "aggregate of the basic pay, and all other remuneration payable to the worker by an employer and includes the value of any food, fuel or residence and any overtime payments or other remuneration for any work done, and any other bonus; provided that it shall not include any ex-gratia payments, or gift or travelling allowance or privilege or any contribution money paid by the employer for the worker to any social insurance scheme such as provident fund, or pension, or life insurance, or special expenses paid by the employer to the worker".

Under the law, the worker must be paid in cash after deducting the value of in-kind wages such as food, fuel, lodging, transportation, or clothing. The wages must be paid daily, weekly, fortnightly, or monthly as agreed. The worker engaged under the contract for an indefinite period must be paid a specific wage for the minimum pre-determined daily work. Accordingly, there must be entitlements for the worker other than gratuities. Further, a worker's wage must be calculated at a rate equivalent to that received by any other labourer carrying out similar work. In cases where the employer transfers the worker from monthly to daily pay, to weekly or fortnightly pay, or the wage based on production, the worker is entitled to all the rights during the period. The daily wage workers must be paid daily unless otherwise agreed between the parties. The law requires the wages to be due at the end of the week, the fortnight, or the month and must be paid at the workplace during working hours. A worker's wages must be paid within three days of entitlement. In the case of contract termination, all wages and benefits must be paid within a week from the date of termination. The wages must be paid to the worker personally or to any other person authorised without any deductions unless the deductions are agreed upon between the parties or are provided under the law. The employer is entitled to provide the worker with a statement of deduction at the request of the worker.

**Source:** §35 of Sudan Labour Act 1997



# 02/13 COMPENSATION

## ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

**Sudan has not ratified the above-mentioned Conventions.**

### *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, the overtime pay rate should not be less than one and a quarter-time (125%) of 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 the 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 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 at 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:

- Sudan Labour Act, 1997

## Overtime Compensation

The normal working hours are 8 hours a day and 48 hours a week. At least a half-hour of paid break is allowed for rest or a meal. After consultation with the Labour Relations Council, the competent authority can change the rest break as per the nature of the work. The daily working hours are reduced to 36 hours a week during Ramadan.

Overtime may be required in an emergency to deal with an imminent accident, provided that overtime hours do not exceed four hours a day and twelve hours a week. Overtime must be agreed between the employer and employee. Overtime work is optional for women, and the overtime period is specified as prescribed by the law. Overtime premium in normal working days is paid at a 50% rate of normal working hours (150% of the normal hourly rate). The overtime wage is calculated on the basic salary.

Under the law, the employer, in cases of emergency, may request the employee for overtime work. However, the overtime work must be by agreement between the two parties provided that:

- 1) Overtime must not exceed 4 hours per day and 12 hours per week. This is the case where workers are engaged in overtime under an agreement between the worker and employer. Weekly limits are not applicable on overtime worked in cases of force majeure.
- 2) Overtime is optional for women.

- 3) The overtime payment must be paid at the date of the normal wage payment.
- 4) The overtime payment in case of normal working hours must be calculated at the rate of 150% of the normal wage rate.
- 5) In case of weekly or public holidays, the overtime payment must be calculated at the rate of 200% of the normal wage rate.
- 6) The overtime wage must be calculated on the basic salary.
- 7) Juveniles are prohibited from being employed for additional hours and must not be employed in the weekly or official holidays or waive their right to annual leaves.

**Source:** §21, 42 & 43 of the Sudan Labour Act 1997

## Night Work Compensation

The Labour Act has no direct provisions for night work except for adolescent workers and women workers. In the case of adolescent workers, the Labour Act defines night as the period between 8 p.m. and 6 a.m. For women workers, the night period is between 10 p.m. and 6 a.m. However, no provisions could be located regarding the definition of night work for all workers, working hours and monetary compensation for such workers.

**Source:** §20 of the Sudan Labour Act 1997

## Compensatory Holidays / Rest Days

No relevant provisions could be located under the Sudan Labour Act regarding compensatory holidays for workers engaged in work on weekly rest days.

## Weekend / Public Holiday Work Compensation

The workers may perform work on weekly rest days or public holidays. In such a case, the workers are entitled to a premium wage rate of 200% of the normal wage rate for every hour worked.

**Source:** §43 of the Sudan Labour Act 1997

# 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.

**Sudan has not ratified the above-mentioned Conventions.**

### ***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 recognised 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:

- Sudan Labour Act, 1997

## Paid Vacation / Annual Leave

Under the law, every worker is entitled to a paid annual leave after the completion of one year of continuous service with the employer. The timing of annual leave must be decided in accordance with the work requirements. The annual leave includes official holidays and weekly rest days falling during its term. The annual leave is calculated as follows:

- a) 20 days on completion of one to three years of continuous service;
- b) 25 days on completions of eight to fifteen years of continuous service;
- c) 30 days on completion of fifteen or more years of continuous service.

In case of resignation or termination of the contract for any reason, the worker is entitled to a wage for all the unused days of the annual leave. In agreement with the employer, a worker may postpone the annual leave for a year or may divide it between the year in which it is due and the following year. However, such leave must not be postponed for more than one year, and the worker is entitled to the annual leave plus the postponed leave in the following year.

**Source:** §44 of Sudan Labour Act 1997

## Pay on Public Holidays

After completion of three months of work at an enterprise, workers are entitled to fully paid public holidays.

Sudan has twelve public holidays of both religious and memorial nature. These are as follows: Hijri New Year's Day, Independence Day (1 January), Eid ul Fitr/Feast of the Breaking of Fast (three days), Hajj (Pilgrimage) Eid ul Adha/Feast of Sacrifice (three days), Birthday of the Prophet (P.B.U.H.)/Miald un Nabi (one day), Coptic Christmas (7 January), Coptic Easter, Christmas Day (25 December).

**Source:** §45 of the Sudan Labour Act 1997

## Weekly Rest Days

While no direct provisions could be located regarding weekly rest under the Sudanese Labour Act, there is a provision prohibiting the employment of adolescent workers on weekly rest days.

**Source:** §21(7) of the Sudan Labour Act 1997

# 04/13 EMPLOYMENT SECURITY

## ILO Conventions

Convention 158 (1982) on employment termination

**Sudan has not ratified 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 the 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:

- Sudan Labour Act, 1997

## Written Employment Particulars

Under the law, any contract that exceeds 3 months must be written. Such contracts must be prepared in three copies, signed by the two parties. Each party must keep one copy, and the third copy must be deposited to the Commissioner. The contract must not be beneficial to the employer, and the worker must be aware of the terms. In case where the worker is unable to read the contract, the employer must read the contract in the presence of a witness selected by the worker to read the contract. In the absence of a written contract, the worker may prove the entitlements by any kind of evidence. When a dispute arises between the employer and a worker working without a contract of service for solving the dispute, it must be guided by one or more similar contracts that have been made with other workers working with the same employer for the same period, for the same work and in the same enterprise.

The employment contract must be with clear terms where the rights and obligations of the two parties are clearly specified. The contract must contain the following particulars:

- A) Name of the employer, enterprise, its place and address;
- B) Name of the worker, age, domicile, and other particulars necessary for identification and qualifications;
- C) Nature and kind of work, the date and place of work;
- D) Agreed wage and the mode of payment;
- E) The notice period for the termination

of the contract;

- F) Other terms of service to be agreed upon;

Any term in the contract that is contrary to the Labour Act is void unless such term is more favourable to the worker than provisions of law.

**Source:** §28-31 of the Sudan Labour Act 1997

## Fixed Term Contracts

An employment contract may be concluded for a definite or indefinite period for the performance of a specific task.

The duration of a fixed-term contract must not exceed two years, and it may be renewed only once in the same enterprise. The new period must be in continuation with the previous service, and if the worker continues service after renewal, the worker is deemed to be in employment for an indefinite period. The written contracts are considered indefinite unless it is clearly stated that the contract is for a fixed term or for the performance of a specific task, or for the substitution of a worker. The law limits the probationary period to three months, with the exception of the training period. The contract is considered an indefinite contract if the period is not specified and the probation has passed without contract termination by either party.

**Source:** §28 of the Sudan Labour Act 1997

## Probation Period

Under the law, the probationary period must not exceed 3 months, with the exception of the training period. The employment contract is considered

indefinite if the time period is not specified and the probationary period has passed without the contract being terminated by either party.

**Source:** §29 of the Sudan Labour Act 1997

## Notice Requirement

Employment contract termination is regulated under the Labour Act. An employment contract may be terminated by serving a written notice or paying in lieu thereof. Labour Act specifies those conditions under which an employment contract may be terminated. Under the law, the employment contract can be terminated by notice for any of the following reasons.

- a) If the worker is unable to perform work due to a disability or illness even after the completion of annual sick leave, whether the leave was with or without pay. However, the illness of the worker must be certified by the medical commission.
- b) Completion of the contracted work or the expiry of the contract.
- c) Closure of the enterprise.
- d) Attainment of 60 years of age, unless the two parties agree otherwise, provided that such periods must be considered continuous service.
- e) Dismissal of the worker or the worker leaving work during the probationary period.
- f) A written agreement between the parties to terminate the service.
- g) In cases of dissolution or liquidation of the establishment. However, it should be proven by an official certificate from the competent authority.
- h) Resignation by the worker or death

of the worker.

Unless a longer notice period is specified in the employment contract, the following written notice period must be communicated by the party initiating contract termination:

1. one month for workers with monthly wages;
2. two weeks for workers with fortnightly wages who had been in less than five years of continuous service;
3. two weeks for workers who had been in continuous service for a period between two years and less than five years (irrespective of whether workers are paid on a daily or weekly basis);
4. one week for workers with weekly wages who had been in less than two years of continuous service;
5. one month for workers with daily, weekly or half-monthly wages who had spent at least five years in continuous service;
6. six months before the termination of the contract of employment as a result of reaching the statutory retirement age;

Other than the above specification, the following notice periods must be observed before contract termination for workers paid on a daily basis:

- a. on the last day of work for workers who had not been in three months of continuous service;
- b. one week for workers who had been in between three months and two years of continuous service;

The duration of contract termination notice ranges between the same day and 1 month depending upon the wage payment period and type of contract



termination (6 months' notice before statutory retirement age). On completion of half period of notice, as specified above, a worker may leave employment in search of other work (or for joining another organisation) provided that the worker receives full wages for the notice period. If there is unavailed annual leave at the time of contract termination, workers are eligible for payment in lieu of annual leave.

Labour Act specifies certain cases under which either party may terminate the employment contract without notice to the other party. An employer may terminate the contract, among others, for the following grounds: worker causing huge financial loss to the employer due to gross negligence; worker attaining employment based on forged papers; worker's wilful non-compliance with instructions; worker being convicted of an offence concerning the morality or honour whether at work or outside work; worker committing an assault on the employer or employer's representative.

A worker may also terminate an employment contract in certain cases, which include, among others, the employer's assault on the worker, where the employer is not meeting contractual obligations or where there is a danger to the worker's health and safety and employer has not taken any corrective action despite knowing the same.

**Source:** § 50-55 of Labour Act 1997

## Severance Pay

The severance pay (referred to as Gratuity in Sudanese legislation) is regulated under the Labour Act. It is calculated based on last

month's basic salary. For production workers, gratuity is based on average income during the last three years. Seasonal workers are also eligible for gratuity.

A worker is eligible for severance pay on completion of at least three consecutive years of service with an employer. Depending on the length of service, severance pay is paid at the following rates:

- i. One month's (30 days) basic salary per year from 3 to 10 years of service
- ii. One and half months (45 days) basic salary for more than 10 years of service
- iii. One and three-quarters of a month's (53 days) basic salary per year for more than 15 years of service with the condition that such severance pay should not exceed thirty-six months' basic salary.

Severance pay is also available to a worker who has terminated a contract of employment after at least three years of service. The calculation of gratuity (in case of worker-initiated contract termination) is dependent on the above rates as follows:

- i. One quarter (25%) of the gratuity for less than 5 years of service;
- ii. Half (50%) of the gratuity for 5 to 15 years of service;
- iii. Three quarters (75%) of the gratuity for 15 to 20 years of service;
- iv. Full gratuity for more than 20 years of service

**Source:** §57, 60-63 of the Sudan Labour Act 1997

# 05/13 FAMILY RESPONSIBILITIES

## **ILO Conventions**

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

**Sudan has not ratified both Conventions 156 & 165.**

### ***Summary of Provisions under ILO Convention***

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

Recommendation (No. 165) provides for parental leave as an option available to either parent to take a 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 employers to look into the measures for improving general working conditions through flexible work arrangements.

## **Regulations on family responsibilities:**

- Sudan Labour Act, 1997

## **Paternity Leave**

There is no provision for paternity leave in the legislation of Sudan.

## **Parental Leave**

No provisions on parental leave could be located in the law.

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

There is no provision in law supporting work-life balance for parents or workers with other family responsibilities.

# 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 the year 2000) requires that maternity leave be at least 14 weeks, of which a period of six weeks of compulsory leave should be after childbirth.

**Sudan has not ratified 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 the same or equivalent position after availing maternity leave.

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

## Regulations on Maternity and Work:

- Sudan Labour Act, 1997

### Free Medical Care

Medical benefits are provided under a social insurance system with contributions from workers (4% of the gross earnings) and employers (6% of the gross payroll). Medical benefits include medical treatment, surgery (except heart surgery and organ transplantation), hospitalisation, medicine, laboratory services, ophthalmologic and optician services, and some dental care.

### No Harmful Work

The Sudan Labour Act prohibits the employment of women in all kinds of work that is dangerous, physically arduous, or harmful to health, carried out in underground sites or work that exposes them to poisonous substances or heat and cold exceeding reasonable limits.

The legislation further prohibits the employment of women between 10 p.m. and 6 a.m. except for women working in administrative, professional, technical, social or health services. However, the provisions regarding the prohibition of pregnant workers from harmful work cannot be located.

**Source:** §19 & 20 of the Sudan Labour Act, 1997

### Maternity Leave

Under the Sudan Labour Act, a female worker is entitled to paid maternity

after the completion of one year of service after the date of appointment and for any subsequent year of service. The female employees are entitled to 8 weeks of maternity leave. The length of prenatal and postnatal leaves is 4 weeks each. The actual date of delivery must be certified by a medical practitioner. The maternity leave can also be taken as 2 weeks prenatal and 6 weeks postnatal leave.

In case of illness arising after the delivery, certified by the medical practitioner, maternity leave is extended as sick leave.

**Source:** §46 of the Sudan Labour Act, 1997

### Income

A working woman, after one year of service, is entitled to fully paid 8-week maternity leave.

The maternity leave is fully paid leave, payable by the employer.

**Source:** §46 of the Sudan Labour Act, 1997

### Protection from Dismissals

The law prohibits the dismissal of women workers during the period of pregnancy or maternity leave.

**Source:** §46(2) of the Sudan Labour Act, 1997

### Right to Return to Same Position

There is no express or even indirect provision guaranteeing the right to return to the same position after the completion of maternity leave. However, since workers cannot be dismissed during

maternity leave, it is assumed that they indirectly have a right to return to their job and position.

### **Breastfeeding/ Nursing Breaks**

Under the law, lactating women should be provided with fully paid nursing breaks by the employer for an hour from the date of birth until the child is of two years.

**Source:** §42 of the Sudan Labour Act, 1997

# 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)

**Sudan has ratified Convention 81 only.**

### ***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:

- Sudan Labour Act, 1997

## Employer Cares

The law implicitly caters for the protection measure of the workers at the workplace. All the license-holding factories are obligated to present to the competent authority a proper statement specifying the number of workers, means of work, protection measures and any other particulars required by the commissioner. The employer is obligated to inform the workers of the occupational dangers, the protection measures and the necessary precautions against industrial accidents or occupational diseases. Employers are prohibited from assigning any work to a worker unless the worker is sufficiently trained or the work is performed under the supervision of experts. The law prohibits a worker from performing any work that poses a danger and advises them to benefit from the means of protection provided.

**Source:** §85, 91- 96 of the Sudan Labour Act, 1997

## Free Protection

The law provides for safety measures for the workers at the workplace and requires workers to benefit from the means of protection provided.

The Employers are required to adopt collective safety measures and ensure that employees are well-trained in the use of equipment.

It is prohibited for workers to perform any act which exposes them to danger. The workers should use effective means of

protection provided by the employer.

The employer (factory owner) must ensure the provision of adequate protective equipment to workers and that such equipment is properly maintained. The employer must also ensure that workers use personal protective equipment.

However, provisions on providing free Personal Protection Equipment (PPE) could not be located.

**Source:** §95-96 of the Sudan Labour Act, 1997; §33 of the List of Factories (occupational health) of 1981

## Training

Under the law, employers must provide training to the workers for learning or training a particular trade within a specified time in accordance with the requirements and needs of work. The training must be referred to in the written contract, obligating the two parties to the training period, stages and wages that must not be less than the minimum wage prescribed. The employer can also terminate the training contract based on the proof of the incapacity of the worker.

The Labour Act prohibits the working of an employee without sufficient training. The untrained employees must perform their duties under the supervision of experts.

**Source:** §16-18 & 95 of the Sudan Labour Act, 1997

## Labour Inspection System

The Labour Act provides for labour inspection to ensure the implementation of labour law. Under the law, a competent



labour office or any authorised person may enter during working hours into a working place. The labour inspection authorities may ask the employer or any responsible person to provide information to implement the law. The employer or the responsible person must provide the information whenever possible. The competent authorities may call the employer or any other person on his behalf at the labour office for settling or implementation of a matter. The competent authority is obligated not to disclose any information except in cases for the purpose of performing its obligations. The law prohibits carrying out inspection for the purpose of interest or benefits from a private relation.

**Source:** §69 of the Sudan Labour Act, 1997

# 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

**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 benefits may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during the 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:

- Sudan Labour Act, 1997

### Income

Under the law, if a worker has completed at least 3 months of continuous service and is unable to report to work due to sickness, they have the right to receive sickness benefits if they are certified by the registered medical practitioner. However, the reason for sickness must not be misconduct or negligence. Such a worker is entitled to a wage for all the days of his or her absence due to illness and as follows.

- A) Three months with full pay;
- B) Three months with half pay;
- C) Three months with quarter pay.

The worker must not be on sick leave with reduced pay unless the normal leave is exhausted. If the illness continues for a period more than stated above, the worker must be on sick leave without pay until a reasonable period for the medical commission to decide the fitness for work. Under the provision of the Work Injuries Compensation Act 1981, if the employee does not complete the work period of 3 months, the sickness is evidenced by a medical certificate, and the employee is entitled to paid leave. The wages to be paid are calculated on the basis of the preceding 12 months of service as follows:

- 3 months with full pay (100 % funded);
- 3 months with half pay (50 % funded);
- 3 months with quarter pay (25 % funded);

**Source:** §47 of the Sudan Labour Act, 1997; Work Injuries Compensation Act, 1981

## Medical Care

Medical benefits are provided to insured workers with minimum numbers of contributions. The medical benefits include medical treatment, surgery (excluding heart and organ transplantation), hospitalisation, medicine, laboratory services, ophthalmologic and optician service, and dental care.

### Job Security

The employment of a sick worker is secure during the sick leave as provided by the Labour Act. The employment contract is terminated due to the disability of performing work. The worker must have ceased to work after the completion of paid or unpaid annual sick leave, and the illness of the worker must be verified by the Medical Commission.

**Source:** §50 (1) of Labour Act 1997

## Disability / Work Injury Benefit

A work injury can lead to the following four situations: (i) permanent total disability (ii) permanent partial disability (iii) temporary disability (iv) fatal injury leading to death.

There is no qualifying period to access the benefits. Work injury includes accidents or occupational diseases that occurred commuting to and from work.

There are no statutory benefits for temporary disabilities provided in law. In the case of permanent disability (100%), the insured worker is entitled to 83.33% of the insured worker's average monthly pay in the three months before the disability began. In case of partial disability (15-99%), the worker is entitled to a percentage of full

permanent disability benefit.

In the case of the worker's death, the survivor's benefit is paid 30% to the spouse; 50% of the benefit is paid to the eligible orphan or parents; 75% of the survivor benefit is paid to the spouse in case of no orphan or parents; 100% of the survivor benefit is paid to the spouse if there are no other survivors. The survivor's benefit is distributed equally if there is more than one widow.

**Source:** ISSA Country Profile of Sudan

# 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),

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

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

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

### ***Summary of Provisions under ILO Conventions***

In normal circumstances, the pensionable age may not be set higher than 65 years of age. If the 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”. The 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 have a right to unemployment benefits 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 gainful employment, before the 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:

- Sudan Labour Act, 1997

## Pension Rights

In Sudan, the qualifying age for retirement benefits is 65 years, with at least 20 years of contributions. Early pensions are also available from age 50 onward, given that the worker has the above requisite years of contributions.

The old-age pension, survivors' pension and invalidity benefits are funded through a social insurance system with contributions from workers and employees. The insured worker contributes 8% of gross monthly earnings while the employer contributes 17% of gross monthly payroll.

The old-age pension is 2% of the insured worker's average monthly income in the last 3 years before retirement for every year of contribution. Hence, the minimum pension with 20 years of contribution is 40% of the worker's former wage, while the maximum pension is 83.33% of the former wage.

Old age pension may be partially paid as a lump sum amount. Old age pension can be reduced by 15% if a person retires between the age of 50-54 years. The reduction in pension is 10% for those retiring between the age of 55-59 years.

**Source:** ISSA Country Profile of Sudan

## Dependents' / Survivors' Benefit

Under the law, in case of the death of a worker, the family members are entitled to wages, gratuities or other payments that the deceased was entitled to at the

time of the death. The employer is entitled to pay wages, gratuities, and other payments to a competent family court. The family court must distribute the wages, gratuities, and other payments to the survivors.

Survivor benefits for spouse: 30% of the old-age or disability pension that the deceased received or was entitled to receive must be paid to the widow or widower, the percentage is 50% if there is an eligible orphan or a parent, 75% if there are no eligible orphans and parents but other eligible survivors and 100% if there are no eligible survivors.

Survivor benefits for orphans: In the case where there is more than one widow, the pension is split equally. 40% of the old-age or disability pension the deceased received or was entitled to receive is split equally between the eligible orphans. The benefit is 50% if there is either an eligible widow or widower or a parent, 70% in case of no widow(er) but eligible parents, and 100% if there are no other survivors.

**Source:** ISSA Country Profile of Sudan; §68 of the Labour Act of Sudan, 1997

## Unemployment Benefits

There is no provision for unemployment benefits under the labour and social security legislation in Sudan.

## Invalidity Benefits

The invalidity benefit is calculated in the same way as the old age benefit, depending on the years of contributions.

The invalidity benefit is either 50% of the insured worker's average monthly earnings

from the three years prior to the disability before the disability or 2% of those earnings for every 12 months of contributions. Whichever amount is higher under the above schemes is paid to the worker.

The maximum monthly invalidity pension can be 83.33% of the insured worker's average monthly earnings from the three years before the invalidity started.

**Source:** ISSA Country Profile of Sudan

# 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 the elimination of violence and harassment in the world of work.

**Sudan has ratified 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 a clear matching of pay and position should be in place to help prevent wage discrimination.

Convention No. 190 recognises 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 aims 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:

- Sudan Labour Act, 1997

## Equal Pay

The Constitution protects women's rights by guaranteeing equality in all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other professional benefits. The states guarantee women's rights in all fields and develop them through positive discrimination. Provisions for equal pay for work of equal value in the Labour Act could not be located.

**Source:** §49 of the Constitution of Sudan, 2019

## Sexual Harassment

Article 151 of the 1991 Criminal Act was amended in 2015, and a new clause was added to prohibit sexual harassment. According to the Act, "there shall be deemed to commit the offence of sexual harassment whoever commits an act or speaks or behaves in a way that causes seduction or temptation for another person to engage in illegal sex, or to commit indecent or inappropriate behaviour of a sexual nature that psychologically harms them or makes them feel unsafe, shall be punished with imprisonment for a term not exceeding 3 years and whipping".

**Source:** §151 of the Criminal Act, 1991

## Non-Discrimination

The Constitution prohibits any kind of discrimination and distinction between the

citizens. The law guarantees equality based on race, colour, gender, language, religion, social status, political opinion, disability, regional affiliation or for any other reason.

The Constitution further guarantees and protects women's rights in social, political, and economic fields and prohibits all forms of discrimination against women.

**Source:** §4, 8 & 43 of the Constitution of Sudan, 2019

## Equal Choice of Profession

The Constitution of Sudan protects the worker's rights by guaranteeing equality for both men and women to enjoy all civil, political, social, cultural and economic rights. The state guarantees women's rights in all fields and develops them through positive discrimination. Further, the state promises to combat harmful customs and traditions that reduce the dignity and status of women.

Women in Sudan are restricted to work in the same industry as men. According to the Labour Act 1997, women cannot be employed in work which is dangerous, underground/water work, harmful to the health, and work which would expose them to hazardous and harsh working environments. The Act further prohibited night work between 10 p.m. and 5 a.m. for women.

**Source:** §49 of the Constitution of Sudan, 2019; §19 & 20 of the Labour Act 1997

# 11/13 MINORS & YOUTH

## **ILO Conventions**

Minimum Age: Convention 138 (1973)

Worst Forms of Child Labour: Convention 182 (1999)

**Sudan has ratified both 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 hamper 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 jeopardise 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:

- Sudan Labour Act, 1997
- The Child Act, 2010

### Minimum Age for Employment

The Child Act prohibits the employment of children under the age of fourteen. However, the Minister may exclude the work of children in agriculture that is not harmful to health. After 14 years of age, a child may join apprenticeship at industrial schools, vocational education, and training institutes and centres under state supervision.

The minimum age for employment is 15 years. According to the Labour Act 1997, children under 15 cannot be employed to work in a factory, mines or any other hazardous employment.

The law grants every child the right to general education free of cost. Every Sudanese child has the right to receive primary education at the age of six. General education is categorised into two parts: (a) Formal education, which encompasses basic and secondary education stages. (b) Non-formal education, which includes Quranic schools, vocational schools, nutrition centers, agricultural schools, and specialised education for gifted and disabled individuals. General education comprises the following stages: (a) Pre-school education, lasting for two years and catering to children aged four to six. (b) Basic education, spanning eight years. (c) Secondary education, spanning three years. (d) Education for adolescents, adults, and special groups.

**Source:** §28 & 36 of the Child Act, 2010; §13 & 15 of the General Education Planning and

Organization Act, 2001; §4 & 21 of the Labour Act 1997

### Minimum Age for Hazardous Work

The Labour Act of Sudan refers to any person under the age of 16 as children. The law prohibits the employment of infants in works that require carrying heavy loads, steam boilers and pressure receptacles, blast furnaces, work performed underground, underwater or in mines, working in the composition of lead, and work that exposes workers to poisonous materials or radiation. The law prohibits the employment of juveniles in dangerous industries and work that is harmful to their health. Children are prohibited from working at night between 8 p.m. and 6 a.m., except for those between 15 and 16 years, provided the work is not harmful to health. Juveniles under the age of 12 are prohibited from being employed except at vocational schools of the state, non-profit training workshops, members of the employer's family who work under his supervision, and workers under an apprenticeship contract.

Under the Children Act, the daily working hours of a child must not exceed 7 hours. A young worker must receive one hour rest after every four hours of work. The law prohibits the employment of children for overtime, on weekly rest days, on official holidays, or on night work between 6 p.m. and 8 a.m.

**Source:** §21 of the Sudan Labour Act, 1997; §37 & 39 of the Child Act, 2010

# 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 a violation of human rights.

**Sudan has ratified both Conventions 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 Sudan, 2019
- The Combating of Human Trafficking Act, 2014

## Prohibition on Forced and Compulsory Labour

The Constitution prohibits slavery and human trafficking. The law states that no person is to be enslaved or subjected to forced labour or compelled to perform work by force except as a punishment ordered by a competent court.

Under Combating the Human Trafficking Act, whoever kidnaps, transfers, abducts, transports, harbours, receives or detains a person with the intent to exploit or for the use in some unlawful business is deemed to have committed the offence of human trafficking. The offence is to be considered transnational if it is committed in more than one state. The offence is punishable by law, with imprisonment for a term not less than three years and not exceeding ten years.

The Labour Act prohibits employers from forcing workers to work without consent unless necessity so requires for prevention of an accident or repair of what arises from that accident, or in the case of force majeure provided that such request is temporary for a period not exceeding two weeks.

**Source:** §47 of the Constitution of Sudan, 2019; §7-9 of the Combating the Human Trafficking Act, 2014; §32 of the Sudan Labour Act, 1997

## Freedom to Change Jobs and Right to Quit

The Constitution guarantees equal rights to all citizens in all civil, political, social, cultural, and economic rights.

The Labour Act allows workers to terminate the employment contract after serving a notice period. The employment contract can be terminated after either party has given the notice.

For more details on the freedom to change jobs and the right to quit, please refer to the section on notice requirements.

**Source:** §49 of the Constitution of Sudan, 2019; §50 of Labour Act, 1997

## Inhumane Working Conditions

Under the law, the normal working hours are 48 hours per week or 8 hours per day. The overtime is 4 hours per day and 12 hours per week. Overtime is optional for women workers. For more information on this, please refer to the section on overtime.

**Source:** §42-43 of the Sudan Labour Act, 1997

# 13/13 TRADE UNION

## **ILO Conventions**

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

**Sudan has ratified both Conventions 87 & 98.**

### ***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 of working hours. The list of exclusions for sectors of economic activity and workers in an organisation should be short.

Trade unions are entitled to negotiate with employers on the terms 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 violations 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 organise provided in ILO convention 87.

## Regulations on trade unions:

- Constitution of Sudan, 2019
- Sudan Labour Act, 1997
- Trade Unions Act, 2010

## Freedom to Join and Form a Union

The Constitution grants the right to peaceful assembly to the citizens of Sudan. Every individual has the right to form political parties, associations, organisations, syndicates, and professional unions. However, the law regulates the formation and registration of political parties, associations, organisations, syndicates and professional unions.

The Trade Union Act excludes the following from forming a union: members of the armed forces, police and prison guards and any other regular force, judges of the national judiciary and legal advisors. Under the law, women must constitute at least 25 per cent of any trade union structure established at any level. It prohibits workers from being a member of more than one trade union organisation.

**Source:** §58 of the Constitution of Sudan, 2019; §4, 7 & 10 of the Trade Unions Act, 2010

## Freedom of Collective Bargaining

The right to collective bargaining is provided under the law. A trade union and employer may settle a dispute amicably by reaching an agreement signed by the parties and the competent authority. A copy of the agreement is given to each of the parties, and the third copy is kept by the competent authority. The agreement is binding on the parties during its term, which generally cannot exceed three years

unless the agreement deals with fixing wages and working hours, in which case such period may extend to a maximum of five years.

**Source:** §42-43 of the Sudan Labour Act, 1997

## Right to Strike

The Trade Unions Act of Sudan provides for the right to strike to attain the objectives of its establishment.

However, the right to strike is essentially prohibited, stipulating that workers must use a cumbersome bureaucratic process to resolve labour disputes, including compulsory arbitration or complex conciliation and mediation procedures.

The Labour Act places many conditions on workers before starting a strike action.

**Source:** §6 of the Trade Unions Act, 2010; §105-124 of the Sudan Labour Act, 1997

# QUESTIONNAIRE



## DECENTWORKCHECK.ORG

## Check

DecentWorkCheck Sudan is a product of  
WageIndicator.org and www.rawateb.org/sudan



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"/>

\* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





# DECENTWORKCHECK.ORG

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 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.




# DECENTWORKCHECK.ORG

	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"/>

# DECENTWORKCHECK.ORG

## 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.

Sudan scored 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.