

Sudan Basic Education Emergency Support (P172812)
Labor Management Procedure

1. Project Description

The proposed project design is guided by the following principles: (a) rapid response to support schools in light of the deteriorating economic conditions; (b) lessons learned from past education projects, in particular BERP; (c) government ownership and priorities aligned to the 2018-2022 ESSP; and (d) complementarity with other donor funded projects to fill strategic gaps.

The project will provide school grants (\$2/child) to all public basic education schools in Sudan during the transition year (school year 2019/20) to support schools to sustain enrollment when the country is facing difficult economic conditions. Primary beneficiaries are schoolchildren, teachers, and parents. Approximately 5.4 million students will benefit from the project through provision of school grants. Communities in targeted areas will also benefit from enhanced participatory school management.

Component 1: School Grants Program (US\$11.58 million). This component will support provision of school grants to improve learning environments and school planning. **The main objective of the grants is to support student enrollment and retention in public schools.** School grants will aim to:

- (i) Incentivizing parents' engagement to reduce the risk of students (especially girls) dropping out.* While basic education is officially free in Sudan, currently, families contribute greatly to education expenditures at the school level. As the economic situation has deteriorated, many vulnerable families may lose the ability to pay for basic services and pull the children out of school (especially girls).
- (ii) Support teachers to reduce absenteeism.* Due to high inflation rates, teacher remuneration has been deteriorating in real terms, posing the risk of teachers leaving schools temporarily or permanently for alternative livelihood pathways. The School Grants may be used to support teachers (in cash or in-kind).
- (iii) Support the learning environment.* School Grants are expected to be an important source of funding for the targeted schools to support the acquisition of basic learning materials, stationery, notebooks, classrooms furniture and equipment which contribute to improving the learning environment to attract and retain pupils and teachers, especially females in school.
- (iv) Improve efficiency by strengthening capacity for participatory planning, budgeting and monitoring at the school level.* School grants can help disadvantaged schools create a participatory management structure at the school level. A school profile report that provides information on the school will be provided to each school to support the participatory evidence-based planning process.
- (v) Improve equity in education by helping children in disadvantaged situation including IDPs, refugees, girls.* According to the latest Annual School Census, public schools enrol 30 thousand refugee students (in 1,681 schools) and 280 thousand IDPs (in 1,852 schools). While IDP children are concentrated in three Darfur states (68 percent of all IDPs), namely, Central, North, and South Darfur, refugee students are distributed among half of Sudan's states: South Kordofan (17 percent), White Nile (13 percent), West Kordofan (10 percent), East Darfur (10 percent), South Darfur (9 percent), Gadarif (8 percent), North Darfur (8 percent), and Khartoum state (7 percent). Moreover, girls' retention rates (grade 6 survival rates) vary from type of schools: from 53.0 percent in co-ed schools to 85.9 percent in schools for girls. Surprisingly, girls' survival rates are higher in schools with refugees or IDPs students compared to schools without them (78.3 vs 70.0 percent). **Overall, 88 percent of public schools in Sudan (14,429 schools) meet one of the disadvantage criteria:** (i) low girls'

Sudan Basic Education Emergency Support (P172812)
Labor Management Procedure

retention, (ii) enrolment of IDPs or refugee students, (iii) poor learning environment (absence of water supply, latrines, fences), (iv) lack of teachers (high pupil-teacher ratios).

Component 2 Program coordination and management (US\$0.3 million). This component will support the Federal MoE in overall program coordination, monitoring and evaluation. The Program Coordination unit will cover functions such as planning, procurement, financial management, environmental and social safeguards and monitoring and evaluation.

The Project will be implemented in accordance with the Sudanese Labor Code and the Bank's Environmental and Social Standard 2 other relevant ESSs, including ESS-1 and ESS-10. The Implementing Agencies are thereby responsible to ensure compliance by their employees as well as potential contracted CSO/NGOs.

1. Overview of labor use on the project

It is difficult at this point to present the actual or estimated numbers of workers to be engaged for the implementation of the project school grant activities. However, there are different categories of workers expected to be employed, like direct workers (National and State Project Coordination Office workers; Environment and Social Specialist; etc), contracted CSO/NGO workers; and government civil servant (the project manager, teachers and school management committees). The project work will only involve national local workers which includes both male and female workers.

Under the project there are three types of workers. These are,

- a) **Direct Workers:** these include National and State Ministry of Education Project Coordination Unit Staff and consultants who work for the project;
- b) **Contracted workers:** are those who will be recruited by the PTA for undertaking the water point installation in the respective school and NGOs who will be recruited for implementing (delivery of school grants) in conflict affected areas on behalf of the Government of Sudan National and State Ministry of Education.
- c) **Community labor:** people employed or engaged in providing community labor (community workers) and volunteer teachers who are recruited for one school calendar year. ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers.

2. Key potential labor risks

The potential key labor risks include (i) inadequate payment for teachers¹, (ii) work place accidents/injuries, and (iii) inadequate awareness on occupational health and safety. There is no risk of labor migration or influx due to the limited scope of school grant distribution by contracted CSO/NGOs. Since school grants are uniformly distributed throughout the nation in all public schools that could have regulated work environment that will not present risks of exploitation, forced or child labor. However, the risk of discrimination against women and vulnerable groups cannot be ruled out at this stage.

¹ This risk is identified due to the ever-increasing inflation in Sudan.

Sudan Basic Education Emergency Support (P172812)
Labor Management Procedure

3. Overview of labor legislation: terms and conditions

The following terms and conditions apply for workers as per the Government of Sudan Labour Laws:

- i. Labor Act 1997.
- ii. Second Public Servant Regulation 2007.
- iii. Compensation cause of injuries: Employee compensation is covered by compensation act 1981 and Social Insurance and Pensions Act 2016.

i. Rest

Workers are entitled to a weekly rest period consisting of not less than twenty-four non-interrupted hours in the course of each period of seven days. The weekly rest period shall be calculated as to include the period from 6 a.m. to the next 6 a.m. Where the nature of the work or the service performed by the employee is such that the weekly rest cannot fall on a Sunday another day maybe made a weekly rest day as a substitute.

ii. Wages

In the Labor Act 1997, unless the context otherwise requires, wage means the aggregate of the basic pay and all other remunerations payable to the worker by an employer and includes the value of any food, fuel or residence and any overtime, payments or other special remunerations for any work done and any other increments, provided, or gift or traveling allowance or privilege or any subscription paid by the employer for the worker in any social insurance project, such as provident fund or pension or life insurance, or special expenses paid by the employer to the workers;

Article 28 (1) Any contract that exceeds three months in duration shall be made in writing by the employer. Such contract shall be written in three copies and signed by the two parties. Each party shall keep one copy and the third copy shall be deposited with the Labour Office. Article 30 gives the content of contract which should include among others "the agreed wage and the time of payment". Note: It is important to mention here that the minimum wage is determined by national tripartite committee. Article 13 the worker wage is determined by the initial value of his position. Article 15 employment condition specify the age of employment as not greater than the age of retirement (65) and not less than 18.

iii. Leave (Annual, Sick and Maternity Leave)

Article 44 organize the annual leave after completing one year of continuous service with full pay as follows:

- (a) if the worker completed from one year up to three years of continuous service, he shall be entitled to annual leave equal to twenty days;
- (b) if the worker completed eight years and less than fifteen years of continuous service, he shall be entitled to annual leave equal to twenty-five days;
- (c) if the worker completed fifteen years or more of continuous service, he shall be entitled to annual leave equal to thirty days;

Sudan Basic Education Emergency Support (P172812)
Labor Management Procedure

Article 86

- a. Table no (1) regulates the annual leave as follows based on scales that are categorized on the number of years of experience:
- b. Scale 8 and above, 45 days
- c. Scale 10 and less, 40 days
- d. Scale 9, 35 days
- e. Scale 11 and 12, 30 days
- f. Scale 13 to 15, 25 days
- g. Scale 16 and 17, 20 days

Maternity Leave

Article 38 (1) A woman worker after the completion of six months of service from the date of her appointment and for any subsequent year of service, shall be entitled to a delivery leave on full pay calculated as follows:

- (a) Four weeks before the delivery and four weeks after delivery, provided that the probable date of delivery and the actual date on which delivery takes place, shall be certified by the Medical Practitioner:
- (b) a permission may be given optionally for the same period of leave as provided in Paragraph (a) to be two weeks before delivery and six weeks after delivery:
- (c) If the woman worker absents herself after the completion of the period mentioned in Paragraphs (a) and (b) above due to illness resulting from pregnancy or delivery which makes her unable to resume work with a certification of the Medical Practitioner, she shall be on a sick leave.

(2) Without prejudice to the provisions of Paragraphs (a) and (b) of Section 50 of this Act, the woman worker shall not be dismissed during the period of pregnancy, or during the delivery leave.

iv. Sick Leave

Article 39 (1) Subject to the provisions of the Work Injuries Compensation Act 1981, if the worker completed a period of not less than three months of continuous service and is unable to come to the place of his work because of a certified illness the reason of which is not due to his misconduct or negligence, he shall be entitled to a wage for all the days of his absence, due to such illness and the wage shall be calculated as follows:

- (a) three months with full pay:
- (b) three months with half pay:
- (c) three months with quarter pay:

(2) The worker shall not be on sick leave with reduced pay unless he exhausted his normal leave.

(3) If the illness continues for a period of more than stated above, the worker shall be on a sick leave without pay until he is sent during a reasonable period to the Medical Commission, to decide promptly his fitness for work.

Sudan Basic Education Emergency Support (P172812)
Labor Management Procedure

Article 105 determines the sick leave according to official medical report and it calculate as follow for sick leave of continued for more than nine months covered above under article 39 (1):

Worker deserve sick leave are:

1. Full wage for First six months.
2. Half wage for second six months.

More than year the worker shall be presented to the medical commissions to determine to decide promptly his fitness for work

- i. Benefits in the Case of Employment Injuries
- ii. The Work Injuries Compensation Act of 1981
- iii. The Work Injuries Compensation Act consists of four main sections.
 - Section one covers the Preliminary provisions
 - Section two covers workplace injuries.
 - Section three covers the workplace injury compensation.
 - Section four covers the various provisions.

4. Prohibition of child and Forced Labour

Child means any person less than sixteen years of age. Labor Act 1997, Chapter IV, Article 21: (1) It shall be forbidden to employ young persons of sixteen years in any of the following jobs:

- (a) carrying heavy loads;
- (b) work involving the use of metal presses;
- (c) work related to iron and steel smelting;
- (d) work performed under ground or under water, and mining and quarrying work;
- (e) work involving the use of lead or lead compounds;
- (f) jobs in which workers are exposed to organic or inorganic poisonous or harmful material such as lead, mercury, calcium, benzene and its derivatives;
- (g) jobs involving x-rays and other harmful radiation;
- (h) jobs involving the maintenance of machinery and conveyer belts.

Without any prejudice to the provisions of sub-paragraph (1) it shall be forbidden, as a rule, to employ a young person in hazardous or unhealthy industries and jobs or in jobs requiring large physical effort or in jobs or occupations which are harmful to their morals. Such jobs and industries shall be specified by order of the Minister or his delegate. It shall be forbidden to employ a young person between 8.p.m. and 6.a.m. The competent authority (the Governor or Minister) may, however, exclude any category of young persons of sixteen years from this provision in cases of young persons between the age of 15 and 16 years. It shall be forbidden to employ young persons under the age of 12 years, except in:

- (a) the State's training schools;
- (b) non-profitable training workshops;
- (c) jobs supervised by his family members in establishments which do not employ other persons;
- (d) jobs performed under apprenticeship contracts.

Sudan Basic Education Emergency Support (P172812)
Labor Management Procedure

The Minister or his delegate may, after consultation with the Committee, prohibit the employment of young persons under the age of 15 years in industries and establishments to be specified by a ministerial order. In observance of the provisions of sub-paragraph (5), it shall be prohibited to employ any young person under the age of 15 years unless he/she lives with his/her guardian in the area of his/her work. It shall be prohibited to present the contract of employment of a young person as a pretext against him/her unless his/her guardian had approved of his/her employment and had provided the employer with evidence proving that he has authority over the young person, that the young person lives in the area where the job is located, and which proves the validity of his/her address. It shall be prohibited to make a young person work overtime or to work during his/her weekly periods of rest, official holidays, or to waive, postpone or reduce his/her annual leave entitlements.

1. Labor Act 1997, Chapter IV, Article 22: Prior to employment, young persons shall undergo a full medical examination which shall be repeated on a periodical basis during his/her employment in a manner to be specified by the competent authority according to the type of work performed by the young person. The government hospital doctors shall perform the necessary examination and issue the necessary medical certificates.
2. Labor Act 1997, Chapter IV, Article 23: The normal hours of work for young persons shall be seven hours a day broken by a period of rest of one paid hour. It shall be forbidden to make a young person work for more than four consecutive hours.
3. Labor Act 1997, Chapter IV, Article 24: Employers shall post in a visible place at the workplace the regulations governing the employment of young persons as provided for by this Act and the hours of work and periods of rest.

5. Brief overview of labor legislation: OHS

OSH regulation is applied to both public and private sectors according to the labor law (section1 occupational safety) which determine duties and responsibilities of all stakeholders and gives the minimum workplace requirement. OSH requirement is founded in:

- Factory regulation.
- Occupational hygiene regulation.
- Workers compensation is regulated by The Work Injuries Compensation Act of 1981 Consist of four sections:
 - Section one covers the Preliminary provisions
 - Section two covers workplace injuries.
 - Section three covers the workplace injury compensation.
 - Section four covers the various provisions

6. Responsible staff

The responsible body for workers management varies depending on the type of workers. The direct workers will be managed by the MoE PCU at the National and the states. The management of government civil servants working on the project and contractors will be the responsibility of the implementing agencies MoE PCU. However, the child labor and forced labor as well as OHS requirements applies to all categories of workers in the project activities.

7. Age of employment

Sudan Basic Education Emergency Support (P172812)
Labor Management Procedure

Minimum age for employment is 16 years. The minimum Age for Hazardous Work is set as 18 years. Workers between the ages of 14 to 18 years are classified as young workers. It is prohibited to employ young workers to carry out work which on account of its nature or due to the condition in which it is carried out, endangers the life or health of the young workers performing it. Despite, the statements above, for the project the minimum age of employment is 18 years.

Normal working hours for young persons may not exceed seven hours per day. It is prohibited to employ young workers on night work between 10 p.m. and 6 a.m.; overtime work; weekly rest days; and public holidays. The law also defined that normal hours of work for young workers shall not exceed seven hours a day.

8. TERMS AND CONDITIONS

The project will depend on (i) Labor Act 1997, (ii) Second Public Servant Regulation 2007, (iii) Compensation cause of injuries: Employee compensation is covered by compensation act 1981 and Social Insurance and Pensions Act 2016; and, (iv) the ESS-2 requirements.

Given the nature of workforce involved, the project does not anticipate recruitment of under age children for project related works. Risk assessments on the recruitment of child labor is not determined necessary due to; (i) the limited nature of the school grant, and (ii) the project set minimum age at 18 years.

9. Grievance mechanism

The grievance redress mechanism for addressing and managing workers and employment related conflicts or complaints as well as gender-based violence (GBV) is very crucial. A worker or any person who has any complaint or grievance has the right to present it and get proper response. The National and State Ministry of Education and contracted CSO/NGOs will establish accessible and functional Grievance Redress Mechanism for all categories of employees outlined in the table below. The GM will be easily accessible via the disclosure of a hotline and/or office hours and transparently disclosed to all personnel. Grievance handling shall be transparent and aggrieved parties shall be informed within 10 days of their grievance application, either with a respective solution or with a request of extension. The aggrieved party shall have the option to refer to a grievance log with key information that will be established by the State MoE and quarterly reported upon. If not satisfied with the outcome of the State level, the aggrieved party shall be able to access a second level committee on the national level within the MoE.

Sudan Basic Education Emergency Support (P172812)

Labor Management Procedure

Provision	National MoE Civil Servant	State MoE Civil Servant	Teacher	Contractors & CSO/NGO staff & consultants
Working Contract	X	X	X	X
Adequate periods of rest per week, annual holiday and sick, maternity and family leave	X	X	X	X
Termination process in accordance with Sudan Labor ACT 1997	X	X	X	X
Non-Discrimination	X	X	X	X
Workers' organization	X	X	X	In line with the GoS Proclamation
Minimum age of employment	X	X	X	X
Forced Labor	X	X	X	X
Monthly salary payment	X	X	X	X
Additional package	/	/	/	/
Accommodation	/	/	X	/
Volunteer Teachers	/	/	/	X
Health Insurance	X	X	X	X
Code of Conduct to be signed	All staff working in the project	All staff working in the project	X	X
OHS	x	x	x	x

10. CONTRACTOR MANAGEMENT

The MoE, through the National Project Coordination Unit will outsource the disbursement of school grant in conflict affected areas to non-government organizations (NGOs) and contractors who install water pipes. The MoE will undertake due diligence assessment of the NGOs and contractors on their labor practice and adherence to the national law, ESMF, ESS2 and in this labor management procedure.

The PCU will be required to carry out due diligence procedures to identify if there are significant risks from non-government organizations (NGOs) and contractors who install water pipes on issues and requirements related to child labor, forced labor, and safety of workers. If there are any risks related to child and forced labor, and safety identified, MoE PCU will prepare the procedures to address these risks