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Extractive Industries and Sustainable Job Creation

**The Role of The Ministry of Labour in Job Creation in
Sudan Artisanal and Small Scale Mining**

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The views expressed are those of the author and do not necessarily reflect
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Republic of Sudan

Ministry of Labour and Administrative Reform

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Cubic Globe



Outlines

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Introduction

- **The presentation sheds light on the Sudanese employment legislation that planners, social partners and other stakeholders take into account when dealing with the job creation**
- **The artisanal mining sub-sector is well included into the legislation by virtue of the numbers of participating miners and their dependents**



Objectives

- **Establish information partnership with all stakeholders for creation of jobs by capturing the available job opportunities. This undertaking will attract the local and the foreign investors .**
- **The present rules of employment legislation in Sudan which create conducive environment for investment and show labour rights**
- **Utilize the labour legislation to up-grade the artisanal scale mining to provide decent jobs**



Key Factors of Job Creation in Artisanal Mining Sub-Sector: Opportunities and Challenges

- **Open labour market; unlimited opportunities for workers and employers in artisanal mining sub-sector. Lack of coherent employment policy is the challenge**
- **Diversification of the production leads to a division of labour. The challenges include establishment of future employment structure for companies**
- **Attractive wages and income in the mining sub-sector. The challenge is the lack of wages policy.**
- **Abundance of gold in the artisanal mining areas and the high prices encourage employers to seek for more workers. Challenges are the organization and the workers classification.**



How the Artisanal Mining labour be integrated in National Economic Cycle? (1)

- **Around 2,000,000 artisanal miners are involved in gold production in Sudan.**
- **In 2012 More than US\$2.15 billion came from gold exports, which represent about 46% of total national export**
- **Better contribution of artisanal mining labour in national economy requires:**
 - 1- legalization of the sub sectors- establishment of the structured economic entities.**
 - 2- Socio-economic support**
 - 3- provision of social services**
 - 4- provision of education and capacity building**
 - 5- adequate infrastructure**



How the Artisan Mining Labor Be integrated in the national Economic cycle? (2)

The Ministry of Labor is gearing towards transferring of the artisanal mining sub-sector from informal to formal sector through the following activities:

1- The Ministry of Labour Conducted survey of labour force on 2011 including the artisanal mining activities , approximately included 2,000,000 workers.

2- Labour classification has been conducted . More survey to follow,

3-The Ministry of Labor selected teams to start comprehensive surveys by early 2016.



The Legislatives Rules for Employment and Labour in Sudan and The Artisanal Mining (1)

Two sources of labour legislation in Sudan:

- **Internal legislation (national laws, national decrees, decisions) has a direct relation to the organization of the artisanal mining sub-sector. Internal legislation relevant to artisanal sub-mining according to the 2011 survey that need to applied:**
 - **The Labour law 1997**
 - **The labour accident law 1981**
 - **The social insurance law 1995 and it is amendment**
 - **The minimum wage law 1974**
 - **The national pension law 1991**



The Legislative Rules for Employment and Labour in Sudan and the artisanal mining labour (2)

- **The Presidential decrees relevant to the artisanal in mining sub-sector is supportive**
- **The delegation and the rules of the institutional procedure. No data available**
- **The interim Constitution 2005 clauses relevant to artisanal is pending due to the unavailability of information**



The Legislative Rules for Employment and Labour in Sudan and the artisanal mining labour (3)

- **External legislation (the international labour conventions-14) and (the Arab labour conventions-10) which may have some relevant to the organization of the artisanal mining sub – sector are:**

1-The international labour convention related waiting to be applied:

- **declaration of principle and right of work 1998**
- **the wage protection convention #95, 1949**
- **the Social policy convention #117, 1962**



The Legislative Rules for Employment and Labour in Sudan and the artisanal mining labour (4)

2 - The Arab labour conventions pending application in the mining –sub sector are:

- **The labour standard convention 1966**
- **The Minimum Labour Insurance Convention 2005**
- **Health and Self Employment 1977**



The Legislative Rules for Employment and Labour in Sudan and the artisanal mining labour (5)

- **Some important articles in the labour law like The article 74 which points to some extent the law allows the participation of employers as well as employees in the work related issues**
- **Article 66 of the labour law governs the work contract validity in case the employer has changed or the company ownership transferred to another entity .**
- **Article 20/3 provides for women-gender rights to work and respect in the work site.**
- **Article 73 guarantees and preserves the rights of the labour for ever**
- **Article 69/1 relates to employment in artisanal mining which requires the following ;**
 - 1-wages re-structuring**
 - 2- time management**
 - 3- job stability**
 - 4- social protection**
 - 5- health care and safety**



The Way Forward

- **The Ministry of Labor mandate ensures job creation ,and should be consulted on employment issues**
- **Recognition of the labour legislation represents the backbone of job stability**
- **The application of Labour Law 1997 will lead to decent job creation**
- **Regular inspection of the work place will lead to work promotion and enhance productivity in the artisanal mining sub-sector**



The Way Forward –cont.

- **The Ministry of Labour is to get involved in education and train artisanal miners on the best practices**
- **The Ministry of Labour should Endeavour to transform the artisanal mining to formal sector through policies and executive plans**
- **The Ministry should support the establishment of work offices at the artisanal mining sites**



Thank You!