

Republic of Sudan
Ministry of Labour, Public Service and Human Resources Development
Supreme Council for Vocational Training and Apprenticeship
General Secretariat

Vocational Training and Apprenticeship Act (2001)

Khartoum -2007

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The Vocational Training and Apprenticeship Act has been issued in accordance with the Constitutional Decree dated 13 July 2000, and passed by the National Assembly in 28 May 2001.

Chapter One:

Name of the Decree and date of its enforcement:

The Decree is named the Act of Vocational Training and Apprenticeship for the year 2001, and it is effective as soon as it is signed.

Abolition:

The Apprenticeship and Vocational Training Act of 1974 is abolished, but the regulations issued in accordance with it should remain valid unless it is amended or abolished.

Explanation:

3. In this Act, and if the context does not bear another meaning:

General Secretary: Means, the General Secretary of the Council recruited in accordance with the provisions of article (9-a).

Chairman of the Council: Means, the Chairman of the Supreme Council indicated in article (5).

Vocational Training: Means, the systematic training that aims at providing the necessary, skills, knowledge and attitudes required for productive employment in any of the fields of the economic activity. It includes, initial training, up-grading training, and the retraining provided in any enterprise or a public institute or a vocational training centre established by, the government or, a public enterprise or the private sector.

Apprenticeship: Means, organized training in specific occupation practiced in existing enterprise, or with an independent artisan, according to apprenticeship contract.

Apprentice: Means, any person receiving industrial training in specific occupation according to a written apprenticeship contract.

Specific occupation: Means, any occupation determined by an order issued by the Minister after consulting the concerned authority.

Enterprise: Means, any enterprise practicing vocational work.

Centre: Means, any place in public or private sector delivering vocational training.

Supreme Council: Means, the Supreme Council for Vocational Training and Apprenticeship established according to the provisions of article (4).

Branch Council: Means, the Branch Council for Vocational Training and Apprenticeship established at the State, according to the provisions of article (7).

Concerned Authority: Means, the Secretary General of the Council, or any of the employees authorized to perform all or some of the authorities stipulated in this Act, according to an order published in the Government Gazette.

Minister: Means, the Minister of Labour, Public Service and Human Resources Development.

Chapter Two:

The Supreme Council:

Establishing the Council and its Headquarters:

4-(a) A council is to be established under the name the Supreme Council for Vocational Training and Apprenticeship, in Khartoum city, and has the right to establish branch councils, in any of the States, according to the provisions of this Act.

Formation of the Supreme Council:

The Supreme Council is to be formed by a resolution from the Council of Ministers, composed of professional members and to be chaired by the Minister.

Functions of the Supreme Council:

6- The Supreme Council has to perform the following functions:

- (a)** Set the general vocational training and apprenticeship policies.
- (b)** Prepare vocational training plans and programmes.
- (c)** Study the needs for vocational training in different departments.
- (d)** Appoint specialized committees, with duties and authorities, to assist the council in performing its functions.
- (e)** Sign contacts and agreements.
- (f)** Approve the budget proposal and forward it to the concerned authorities for final approval.
- (g)** Recommend to the Minister the recruitment of the staff of the Supreme Council.
- (h)** Set the terms of service of the staff in agreeable manner with the Minister of Finance and National Economy.
- (i)** The Supreme Council is responsible for preparing and approval of:

First: Training curricula for different groups.

Second: Specifications and standards for different occupations.

Third: Training curricula for trainers and supervisors or any other group.

- (j) Set the detailed procedures and systems of performing trade tests for any group of workers recommended by the Council to be trade tested.
- (k) Encourage research and evaluation works in all aspects of vocational training and apprenticeship.
- (l) Issue national vocational training and apprenticeship certificates and, any certificates to be determined by the Council.

Branch Councils:

7-(1) The Supreme Council may establish branch councils at the States. These branch councils are technically under the Supreme Council and administratively under the Walli (State Governor).

(2) In consultation with the Supreme Council, the Walli issues a resolution forming the branch council, composing of experienced and professional members from the State.

(3) The Walli should appoint the chairman of the branch council.

(4) The Walli should appoint the Secretary General of the branch council who will be at the same time a member and reporter of the branch council.

Functions of the branch council:

8- The branch council should perform the following functions:

(a) Monitor the implementation of vocational training and apprenticeship programmes aiming at promoting the state human resources

(b) Coordinate vocational training programmes implemented by different state government departments, private training institutes and employers

© Recommend to the Supreme Council the training needs of the new occupations demanded by the state market

- (d) Establish state vocational training centre according to the specifications, standards and conditions set by the Supreme Council

Chapter Three:

The General Secretariat:

Establishing the General Secretariat:

9-(a) A General Secretariat for the Supreme Council should be established and headed by a General Secretary to be appointed by the Council of Ministers based on the recommendation of the Minister.

(b) The Secretary General will be the first executive official, and works under the responsibility of the chairman of the Supreme Council for the better performance of the General Secretariat.

Duties of the Secretary General:

10- The Secretary General has the following duties:

- (a)** Implement the policies set, and the decisions taken by the Supreme Council.
- (b)** Supervise the staff at the General Secretariat and manage the executive body in it.
- (c)** Prepare the budget proposal and forward it to the Supreme Council for approval.
- (d)** Prepare and present annual performance reports of the General Secretariat to the Supreme Council.
- (e)** Propose the national vocational training and apprenticeship programme and forward it to the Supreme Council for approval.

Chapter Four:

Authorities and Duties of the concerned authorities:

Authorities:

The concerned authority has the following authorities:

- (a)** Inspect any enterprise, or question anybody responsible for its management, or testing any of its apprentices, or ask for any kept record or document, or to have access to any information sees it necessary for ensuring the implementation of the Act.
- (b)** Inspect any vocational training centre, or question anybody who is responsible for its management, or examine any person receiving training in it, or request evaluating any kept records, or documents, or to have access to any information sees it necessary for ensuring the implementation of the Act.
- (c)** Conduct any appropriate managerial explanation or investigation or take any measure to ensure that the provisions of this Act, and its regulations in relation to vocational training and apprenticeship are carefully observed.
- (d)** Determine the number of apprentices to be admitted in any occupation according to the proportions set, with observing the conditions of every enterprise. The employer is obliged to satisfy this request. In this case the concerned authority has to present to the employer a list of persons qualified for apprenticeship
- (e)** The employer is obliged to benefit the experience of the industrial officers (trainers) appointed by the Supreme Council for guiding the approved vocational training and apprenticeship programmes

Duties of concerned authority:

12- The concerned authority should:

- (a)** Register the apprenticeship contracts and keep records of these contracts in the agreed shape, and set conditions that regulate contracting procedures.

- (b)** Keep records of all vocational training centres delivering vocational training in the Sudan in the agreed manner.
- (c)** Provide all kind of technical consultations and advises in relation to apprenticeship programmes delivered according to the provisions of this Act and its regulations.
- (d)** Perform any other duties decided by the Supreme Council in accordance with the provisions of this Act or its regulations.

Chapter Five:

Vocational Training:

13- (1) On the basis of recommendation of the concerned authority, the Supreme Council, or the Branch council, as appropriate, and with the consent of each enterprise's manager, has the right to establish a vocational training centre in public enterprises, according to establishment order.

(2) All private enterprises determined by the concerned authority according to the recommendation of the Supreme Council, should facilitate the upgrading of their workers, to equip them with skills, through retraining the group of workers determined by the Supreme Council in appropriate trades.

(3) Enterprises are obliged to pay full salaries to the workers during the upgrading training or retraining periods even if the training is, off-the- job training, and occurs during working hours

(4) For the purpose of the accident compensation Act for the year 1981, any vocational training centre is considered as a factory, and thereby pays to anybody receiving vocational training in it, the stipulated compensation in that Act for accident caused during the training.

Chapter Six:

Finance, Accounting and Auditing:

- 14-** The financial resources of the Supreme Council is composed of:
- (a)** Budget allocated by the government;
 - (b)** Training and service fees imposed by the Supreme Council for its training programmes and other services.
 - (c)** Grants and charities accepted by the Minister.

The Budget of the Supreme Council:

- 15-** The Supreme Council should have an independent budget to be proposed by the Secretary General, approved by the Supreme Council, and then forwarded to the concerned authorities for final approval

Accounting and Book keeping:

- 16-** The Supreme Council should keep systematic and proper accounts and the Secretary General should present to the Council accounting data for each fiscal year.

Auditing:

- 17-** The General Auditing Chamber or whoever may delegate, should audit the financial accounts of the Supreme Council at the end of each fiscal year.

Exemption from Tax Duties and Fees:

- 18-** All moneys, incomes, purchases, and sales of the Supreme Council should be exempted from tax and custom duties after the consent of Minister of Finance National Economy.

Chapter Seven:

General Provisions:

Dispute Resolutions:

19-1 Any dispute that may arise between the employer and the apprentice attached to him according to apprenticeship's contract should be transferred to the concerned authority to decide on it.

-2 Any person who feels that he is negatively affected by the concerned authority decision, taken according to the provisions of article (1) above, has the right to go for an appeal to the chairman of the Supreme Council within a period of thirty days from the date of receiving that decision. The appeal will be judged upon by a special committee to be formed by the Minister according to the provisions of article (3) below.

-3 The special committee indicated in article (2) above, will be formed from five members representing the government and a member representing the workers. The committee is to be headed by a member elected from the government members.

-4 The committee should raise its recommendation to the Minister who will then take a final decision on the dispute.

Company and Enterprise Responsibility:

20-1 If a company or an enterprise is caught violating the principles of this Act, the first executive person who manages the company at the time of violation, will be subject to punishment, determined by the Act, except if he or she proved that the violation occurred without his/her knowledge, or that he/she has exerted every effort to prevent the occurrence of that violation.

-2 Despite the provisions of article (1) above, if any company or enterprise is caught violating the provisions of this Act, with the consent, or carelessness, of a member of Board of Directors, or a director, or a secretary, or any other employee, this member, director, secretary or employee will be held responsible for that violation, and will be subject to trial in accordance with the provisions of this Act.

Penalties:

21-1 Any employer will be punished with a fine of two hundred, fifty SDG if:

- (a)** Admitted unqualified person as an apprentice
- (b)** Failed in implementing the apprenticeship contract

© Employed a number of apprentices in an enterprise in a manner that violates the provisions of this Act and its regulations

-2 Any person will be punished with a fine of one thousand, five hundred SDG if:

(a) Requested to give any information, and refused to do so, or treated the request carelessly, or intentionally provided false information

(b) Refused, or carelessly treated the request of facilitating easy entry of the concerned authority for inspection or investigation in accordance with the provisions of this Act.

© Employed any apprentice in a task the concerned authority considers it irrelevant to the training programme.

-3 Any person violates the provisions of this Act, and if the punishment of that violation is not seen in (1) and (2) above, will be sentenced to prison for a period not exceeding six months, or a fine, or punished with both.

Authority for issuing regulations:

22- With the consent of the Minister the Supreme Council is authorized to issue the regulations necessary for the implementation of the provisions of this Act, and the regulations that organize the following matters:

- (a)** The fees for the services provided by the Supreme Council;
- (b)** Standards and criteria for establishing training centres;
- (c)** Identification of occupations for apprenticeship, and the trainable occupations and crafts;
- (d)** Determination of apprenticeship duration, the daily and weekly training hours;

- (e)** Determination of the upper and lower levels of apprentices to artisans' ratios, allowable in each craft in an enterprise;
- (f)** Determination of the terms of apprenticeship contract,
- (g)** Determination of the procedures of vocational training and apprenticeship.