

*(Translated from Arabic)*

In the name of God, the Merciful, the Compassionate  
**Sudanese Higher Council for Wages Act, 2004<sup>1</sup>**

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<sup>1</sup> Act No. 16 of 2004

## **Chapter I: Preliminary provisions**

### **Title of the Act**

1. This Act shall be called the “Sudanese Higher Council for Wages Act, 2004”.

### **Interpretation**

2. For the purposes of this Act, unless the context suggests another meaning:

“secretariat” shall mean the technical secretariat established pursuant to article 12;

“Secretary-General” shall mean the Secretary-General appointed pursuant to article 12(2);

“Council” shall mean the Supreme Council for Wages established pursuant to article 3(1);

“the competent Minister” shall mean the Minister appointed by the President of the Republic to oversee the Council.

## **Chapter II: Establishment, objectives, composition and headquarters of the Council**

### **Establishment, headquarters and oversight of the Council**

3. (1) A council called the “Supreme Council for Wages” shall be established with legal personality, a general seal and the right to litigation in its own name.

(2) The Council shall be under the oversight of the President of the Republic and responsible to the competent Minister for the performance of its duties, the implementation of its mandate and the exercise of its powers as prescribed by this Act;

(3) The Council shall have its headquarters in Khartoum.

### **Composition of the Council**

4. (1) The Council shall be composed, by a decision of the Council of Ministers, of a President and a number of members at the recommendation of the competent Minister after consultation with the competent authorities, as follows:<sup>2</sup>

(a) the President of the Council;

(b) the Deputy Minister of Labour, as a member;

(c) a representative of the Ministry of Finance and National Economy, as a member;

(d) a representative of the Ministry of Justice, as a member;

(e) a representative of the Ministry of the Interior, as a member;

(f) a representative of the Ministry of Welfare and Social Security, as a member;

(g) a representative of the Ministry of Federal Governance, as a member;

(h) a representative of the Office of Employment Affairs, as a member;

(i) a representative of the Armed Forces, as a member;

(j) a representative of the Central Bureau of Statistics, as a member;

(k) the President of the Sudanese Workers' Trade Union Federation, as a member;

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<sup>2</sup> Act No. 40 of 1974

TRANSLATION FROM ARABIC OF CEACR 2019 SUDAN 2004 ACT TR SB (6) ('HIGHER COUNCIL FOR WAGES ACT, 2004')

- (l) the President of the Employers' Federation, as a member;
- (m) two employers' representatives, as members;
- (n) two representatives of Sudan trade unions, as members;
- (o) three competent experts in the field of the Council's work, as members;
- (p) the Secretary-General, as Rapporteur.

(2) Prior to assuming their duties, the President and members of the Council shall take the oath herewith annexed to this Act before the competent Minister.

(3) The Council shall sit for a term of four years. The competent Minister may extend the term for a period not exceeding six months as he deems necessary

(4) If any seat on the Council becomes vacant for any reason it must be filled by the same appointment procedures as soon as possible unless less than six months of the term remains, in which case the seat shall be filled only after the end of the Council's term.

### **Objectives of the Council**

5. The Council works to achieve the following objectives:
- (a) to 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;
  - (b) to 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;
  - (c) to develop guidelines, bases and standards for the elimination of wage discrepancies;
  - (d) to establish a centre for information and data for use in studies and research relating to wages;
  - (e) to propose and track the economic and social variables affecting a minimum wage.

### **Competences and powers of the Council**

6. (1) In order to perform its work, the Council shall have the following powers and competences:

- (a) undertake all administrative and financial oversight tasks over all its work;
- (b) obtain all information, data and documents relating to wages from the State agencies, including studies and research carried out by specialized academic and professional bodies;
- (c) interview specialists and relevant individuals, hear expert opinions and undertake field visits to various units;
- (d) conduct inquiries and field surveys on prevailing wage levels in the different occupations and industries in the public and private sectors;
- (e) study functional privileges, incentive systems and special allowances to obtain the appropriate formula that will promote the enhancement of performance, the increase of production and the avoidance of problems and discrepancies that arise from its application to wage policies;
- (f) acquire the requisite real and movable property for the performance of its work;

- (g) dispose of real property by sale, lease, mortgage or other legal transactions with the approval of the Council of Ministers;
- (h) approve the annual budget proposed by the Secretary-General;
- (i) work towards the implementation of approved policies and directives that provide justice and balance between different sectors of workers within the public sector and between the public and private sectors to avoid adverse discrepancies liable to result in even more detrimental ones;
- (j) make occasional recommendations on the minimum wage level in the public and private sectors and pay structure bases in the public sector, with general guidelines for the private sector in relation to wage ranges above the minimum;<sup>3</sup>
- (k) form permanent or temporary committees made up of its members or other specialists and assign subjects these that it deems appropriate;
- (l) any other requisite powers for the performance of its missions and discharge of its competencies.

(2) The Council may delegate its powers to its President or any member or committee it establishes under the conditions and regulations it deems appropriate.

#### **Resignation of the President and members of the Council**

7. The President of the Council or any of its members may submit their resignation from the Council through a letter addressed to the competent Minister. The resignation shall take effect from the date of his acceptance.

#### **Dissolution of the Council**

8. The Council of Ministers may decide to dissolve the Council when the public interest and good functioning of the Council so require, at the recommendation of the competent Minister and after consultation with the competent authorities. In this case, the competent Minister shall, on a temporary basis, assume the powers and responsibilities of the Council as prescribed by this Act pending the composition of the new Council for a period of no more than three months beginning from the date of the decision of its dissolution.

#### **Remuneration and conditions of service**

9.(1) The Council of Ministers, at the recommendation of the competent Minister, shall determine the remuneration of the President, Vice President and members of the Council.

(2) The Council of Ministers, at the recommendation of the competent Minister, shall determine the conditions of service of the workers of the Council.

#### **Work and meetings of the Council**

10. The Council shall issue an internal regulation to organize its work and meetings.

#### **Confidentiality**

11. The President or any member of the Council, or the committees or any staff member of the Council shall not disclose any information that he has been made aware of by virtue of his work, except with the consent of the Council.

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<sup>3</sup> Act No. 40 of 1974

### **Chapter III: Establishment of the secretariat and specification of the duties of the Secretary-General**

#### **The secretariat**

12. (1) The Council shall have a Technical Secretariat, chaired by a Secretary-General, who shall report directly to the President of the Council and shall assist him in exercising the powers and competencies assigned to him under the provisions of this Act and the regulations issued thereunder.

(2) The Council shall have a Secretary-General appointed by the Council of Ministers at the of recommendation of the competent Minister to undertake full time the duties prescribed by this Act and the regulations issued thereunder and any other duties decided by the Council.

#### **Duties of the Secretary-General**

13. The Secretary-General shall:

- (a) attend all the meetings of the Council or any committees the Council establishes under the provisions of this Act;
- (b) oversee the minutes of the meetings of the Council and committees, and shall supervise their circulation to the members and retain copies thereof with the Council for reference whenever necessary;
- (c) oversee all financial and administrative matters pertaining to the Council;
- (d) propose the annual budget and submit it to the Council;
- (e) establish procedures for summoning the Council to convene;
- (f) prepare and submit to the competent Minister in December of each year an annual report covering the period up to the end of the year on the work of the Council.<sup>4</sup>

### **Chapter IV: Financial provisions, accounts and audit**

#### **Financial resources**

14. The financial resources of the Council shall consist of the following:

- (a) allocations from the State;
- (b) donations, subventions and bequests provided to the Council;
- (d) any other resources approved by the competent Minister.

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<sup>4</sup> Act No. 40 of 1974

### **Annual budget**

15. The Council shall have an annual budget with its estimates prepared by the Secretary-General. Following the approval of the Council, it shall be submitted to the competent Minister for referral to the competent authorities for approval.

### **Accounts and audit**

16. (1) The Council shall keep regular accounts and records in accordance with existing accounting principles. The Council shall submit its balance sheet in accordance with the regulations and financial instructions issued by the competent Minister.

(2) The Council shall act in accordance with the Financial and Accounting Procedures Act of 2007 and the regulations issued thereunder.<sup>5</sup>

(3) The National Audit Office, or its delegate, shall review the accounts of the Council annually.<sup>6</sup>

(4) For the purpose of this Act, the funds of the Council shall be deemed as public funds.

## **Chapter V: General provisions**

### **Reports**

17. (1) The Council shall submit periodic reports every three months to the competent Minister on the progress of its work and activities. The competent Minister shall submit these reports to the Council of Ministers to take the appropriate measures regarding them.

(2) The competent Minister may, at any time, request the President of the Council to provide him with information on the work of the Council or to report on any matter related to it.

### **Regulations**

18. The Council may with the approval of the competent Minister issue the necessary regulations to implement the provisions of this Act.

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<sup>5</sup> Act No. 40 of 1974

<sup>6</sup> Ibid.

**Table (see Article 4 (2))**

Department of the Higher Council for Wages

I..... as .....

do swear by Almighty God to perform the duties entrusted to me under the Higher Council for Wages of 2004 and to implement them with the utmost dedication and probity and to preserve the confidentiality of the activities, proceedings and recommendations of the Council and to make every effort to further and promote this Council, as God is my witness.