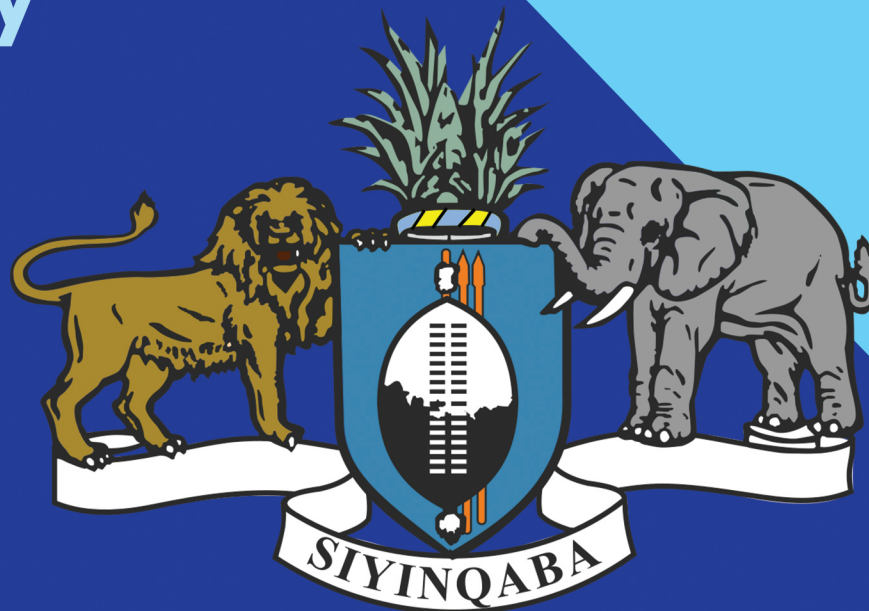


Ministry of  
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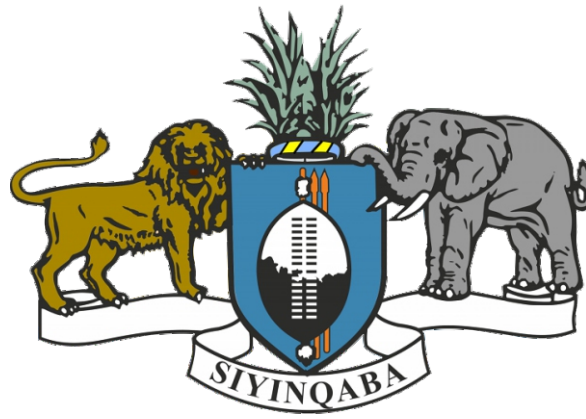


International  
Labour  
Organization



# Occupational Health & Safety in the Kingdom of Eswatini

NATIONAL PROFILE



**Ministry of Labour  
&  
Social Security**

**OCCUPATIONAL  
SAFETY AND HEALTH IN THE KINGDOM  
OF ESWATINI**

**NATIONAL PROFILE**

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# FOREWORD

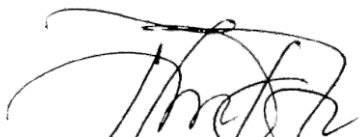
The preparation of the National OSH Profile is a major step towards creating a realistic and efficient National OSH Program that is in line with international best practices. It is a milestone that will augment the country in its goal to ratify ILO Convention No. 187 (2006) concerning Promotional Framework on Occupational Safety and Health.

We are all cognizant that incidents, including occupational accidents and occupational diseases events are escalating along with industrial development and globalization at the time of the 4<sup>th</sup> Industrial Revolution. The new development of work patterns and employment arrangement bring about emerging safety and health risks. This is the moment to ensure a more effective advancement in OSH. Occupational accidents and diseases do not only cause death, losses and morale discouragement but also affect productivity and potentially degrade the Human Development Index (HDI).

The main aim of the profile was to develop an inventory of all the tools and resources available in Eswatini for the implementation and management of OSH and assist in setting national priorities for action. This document is an essential framework to improve OSH performance at sectoral and national level.

We sincerely hope that all parties are will use this National OSH Profile in their planning, implementation, evaluation and review of the OSH measures in each respective sector/stakeholder including in the government ministries/agencies/institutions, employers' federations, workers' federations, professional associations, universities, and informal economy. If used optimally, the National OSH Profile can help shape the OSH culture to be effective and proficient towards the success of sustainable national development, and enable the country to compete with other nations and the developed world.

Thank you.



**THULANI E MKHALIPHI**  
**PRINCIPAL SECRETARY**  
Ministry of Labour & Social Security

## ACKNOWLEDGEMENTS

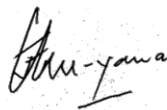
The ILO is pleased to help publish the first edition of the National Profile of Occupational Safety and Health for the Kingdom of Eswatini.

Mr. George Mwiya Mukosiku, Consultant, has compiled a report from information provided by, among others, the following institutions: Business Eswatini; Construction Industry Council; Eswatini Environment Authority; Eswatini Royal Insurance Corporation; Eswatini Standards Authority; Federation of Eswatini Business Community; Federation of Eswatini Trade Unions; Inyatsi Construction Limited; Matsapha Town Council; Ministry of Agriculture; Ministry of Health; Ministry of Housing and Urban Development; Ministry of Labour and Social Security; Ministry of Natural Resources and Energy; Ministry of Public Works and Transport; Municipal Council of Manzini; National Fire and Emergency Services; SHERQ Forum; and Trade Union Congress of Eswatini.

The draft report of the National Profile of Occupational Safety and Health for the Kingdom of Eswatini was discussed and reviewed by stakeholders from 4<sup>th</sup> to 5<sup>th</sup> December, 2019. The final version of the draft report was approved by the National Tripartite Advisory Technical Committee for Occupational Safety and Health on 6<sup>th</sup> December, 2019.

Ms. Peneyambeko A. Munkawa, OSH Specialist – ILO DWT, Mr. Vumani Tshabalala, Chief Inspector of Factories – Eswatini and Ms. Phazi Zwane, Principal OSH Officer – Eswatini reviewed the final draft report and provided comments and suggestions on the content and layout.

I would like to express my appreciation to all individuals and institutions that contributed to the development of this National Profile of Occupational Safety and Health for the Kingdom of Eswatini. It is my sincere hope that this Profile will serve as a useful tool for improving decent work, in general, and occupational safety and health, in particular, in the Kingdom of Eswatini.



Joni T. Musabayana  
Director

**ILO DWT/CO - PRETORIA**

## ABBREVIATIONS AND ACRONYMS

|                          |                                                                            |
|--------------------------|----------------------------------------------------------------------------|
| <b>AIDS</b>              | Acquired Immuno Deficiency Syndrome                                        |
| <b>BE</b>                | Business Eswatini                                                          |
| <b>BERCS</b>             | Baphalali Eswatini Red Cross Society                                       |
| <b>CANGO</b>             | Coordinating Assembly of NGOs                                              |
| <b>CEACR</b>             | Committee of Experts on the application of Conventions and Recommendations |
| <b>CIC</b>               | Construction Industry Council                                              |
| <b>CIEAES</b>            | Coalition of Informal Economy Associations of Eswatini                     |
| <b>CoC</b>               | Code of Conduct                                                            |
| <b>COSAD</b>             | Council on Smoking, Alcohol and Drug Dependence                            |
| <b>CPD</b>               | Continuous Professional Development                                        |
| <b>CSO</b>               | Central Statistical Office                                                 |
| <b>EEA</b>               | Eswatini Environment Authority                                             |
| <b>EIA</b>               | Environmental Impact Assessment                                            |
| <b>ESRIC</b>             | Eswatini Royal Insurance Corporation                                       |
| <b>Experts Committee</b> | Tripartite Advisory Technical Committee for Occupational Safety and Health |
| <b>FESBC</b>             | Federation of Eswatini Business Community                                  |
| <b>FESWATU</b>           | Federation of Eswatini Trade Unions                                        |
| <b>HIV</b>               | Human Immunodeficiency Virus                                               |
| <b>LAB</b>               | Labour Advisory Board                                                      |
| <b>LUSIP</b>             | Lower Usuthu Smallholder Irrigation Projects                               |
| <b>IDM</b>               | Institute of Development Management                                        |
| <b>ILFS</b>              | Integrated Labour Force Survey                                             |
| <b>ILO</b>               | International Labour Organization                                          |
| <b>ILS</b>               | International Labour Standards                                             |
| <b>ITC</b>               | International Training Centre                                              |

|                |                                               |
|----------------|-----------------------------------------------|
| <b>MOH</b>     | Ministry of Health                            |
| <b>MoLSS</b>   | Ministry of Labour and Social Security        |
| <b>MNRE</b>    | Ministry of Natural Resources and Energy      |
| <b>MSMEs</b>   | Micro, Small and Medium-sized Enterprises     |
| <b>NDMA</b>    | National Disaster Management Agency           |
| <b>NDMD</b>    | National Disaster Management Department       |
| <b>OSH</b>     | Occupational Safety and Health                |
| <b>POPs</b>    | Persistent Organic Pollutants                 |
| <b>RFM</b>     | Raleigh Fitkin Memorial                       |
| <b>SACU</b>    | Southern African Customs Union                |
| <b>SADAT</b>   | Students Against Drug Abuse and Trafficking   |
| <b>SHERQ</b>   | Safety, Health, Environment, Risk and Quality |
| <b>SMEs</b>    | Small and Medium Enterprises                  |
| <b>SODVA</b>   | Sexual Offences and Domestic Violence Act     |
| <b>SWABCHA</b> | Eswatini Business Coalition on HIV and AIDS   |
| <b>SWASA</b>   | Eswatini Standards Authority                  |
| <b>TIMS</b>    | TB in the Mining Sector Southern Africa       |
| <b>TUCOSWA</b> | Trade Union Congress of Swaziland             |
| <b>UNEP</b>    | United Nations Environment Programme          |
| <b>UNIDO</b>   | United Nations Industrial Organisation        |
| <b>UNESWA</b>  | University of Eswatini                        |
| <b>WHO</b>     | World Health Organisation                     |

## EXECUTIVE SUMMARY

Eswatini is a landlocked country in the southern part of Africa bordered by Mozambique to the East and South Africa to the North, South and West. It has a total surface area of 17,364 km<sup>2</sup> covering approximately 193 km from North to South, and 145 km from East to West. The Capital City is Mbabane while Manzini is the commercial and industrial hub. The country is a constitutional monarchy currently governed by King Mswati III. Under the King is a public administration known as the Tinkhundla system. The country is divided into four administrative regions, namely Hhohho, Lubombo, Manzini and Shiselweni. Within each region are subdivisions called Inkhundla. Each Inkhundla is made up of a grouping of chiefdoms called Umphakatsi. And within each chiefdom is a grouping of several smaller communities.

The Constitution of the Kingdom of Eswatini, Act No. 1 of 2005, is the supreme law of the land. The constitution addresses various issues including rights of workers to occupational safety and health (OSH). It implicitly and explicitly addresses issues pertaining to OSH under Chapter III of the Constitution entitled “Protection and Promotion of Fundamental Rights and Freedoms”. Section 14 implicitly addresses OSH issues by providing for, among other things, protection from forced labour and respect for the rights of workers. Other sections that implicitly address the issue of OSH include Sections 17, 18, 28, 29 and 30. Section 32 of the Constitution, sub-titled “Rights of Workers”, explicitly provides for OSH by stating that “Parliament shall enact laws to provide for the right of persons to work under satisfactory, safe and healthy conditions.”

The Parliament of Eswatini has over the years enacted several pieces of legislation to provide for the safety and health of persons at work and at the workplace and for the protection of persons other than persons at the workplace against hazards to safety and health arising out of or in connection with the activities of persons in the workplace. The pieces of legislation enacted by Parliament include: Occupational Safety and Health Act, No. 9 of 2001; Factories, Machinery and Construction Works Act, No. 17 of 1972 and accompanying regulations; and Workmen’s Compensation Act, No.7 of 1983, and its accompanying regulations. Other pieces of legislation enacted by Parliament to address issues related to OSH include: Mines and Minerals Act, 2011; Mines, Works and Machinery Act, 1960, and accompanying regulations; Explosives Act, 1961, and accompanying regulations. Other Acts of Parliament with a bearing on OSH include the Construction Industry Council Act, No. 14 of 2013, the Building Act, No. 34 of 1968, the Public Health Act, 1969, and the Environment Management Act, No. 5 of 2002.

The Kingdom of Eswatini has, since becoming a member of the ILO on 20<sup>th</sup> May, 1975, ratified 33 ILO Conventions providing for improvements in working conditions and environment. The ratified ILO Conventions include all the 8 fundamental Conventions, 2 out of the 4 Governance Conventions and 23 technical Conventions. Though it has ratified C081 – Labour Inspection Convention, 1947, which provides for, among other things, the establishment of inspection services, the country is yet to ratify any of the following primary OSH technical Conventions: Convention 155 - Occupational Safety and Health Convention, 1981; and Convention 187 - Promotional Framework for Occupational Safety and Health Convention, 2006.

When held up in the light of the provisions of ILO Conventions 155 and 187, the Kingdom of Eswatini's current OSH infrastructure has several gaps including: lack of a national policy on OSH; inadequate enforcement capacity in OSH inspectorate; and lack of consistency in generating accident statistics and periodic performance reports. These shortcomings aside, however, Eswatini has made some strides by domesticating some important provisions of Conventions 155 and 187 in its Occupational Safety and Health Act. The notable provisions domesticated in the Act include the establishment of a National Tripartite Advisory Technical Committee for Occupational Safety and Health, OSH workplace policies, OSH workplace committees and appointment of OSH workplace representatives.

The designated national competent authority responsible for enforcement of the Occupational Safety and Health Act, an Act that covers all workplaces in all sectors of the economy in Eswatini, is the Occupational Safety and Health Inspectorate Unit under the Ministry of Labour and Social Security. The Minerals and Mines Department's Inspectorate Unit, under the Ministry of Natural Resources and Energy, is another designated national competent authority responsible for some OSH legislation. However, the OSH legislation enforced by the latter is limited to the mining sector and this includes, among others, Mines, Works and Machinery Act, 1960 and the Explosives Act, 1961.

To support the OSH enforcement work of the Occupational Safety and Health Inspectorate Unit and the Minerals and Mines Department's Inspectorate Unit, Eswatini has established two Occupational Health Service Centres. One Centre is at the Raleigh Fitkin Memorial (RFM) Hospital, in Manzini, and the other is at Hlathikhulu Hospital in Hlathikhulu. The Centres were established with the primary purpose of providing medical support and occupational health assessment to former miners who previously worked in the mines in South Africa. The occupational assessments provided by the Centres are for purposes of aiding the determination of compensation due to the former miners. Since establishment, however, government has been prodding the Occupational Health Service Centres to broaden their services beyond support to former miners in respect of the determination of compensation due to them.

As of end of 2019 Eswatini does not have a workers' compensation state insurance fund to provide insurance to employers against occupational injuries and diseases their workers may incur. To bridge this gap, Government through Section 25(1) of the Workmen's Compensation Act requires every employer, other than Government, who employs a workman or workmen to insure or keep himself insured in respect of all liability which the employer may incur under the Act. Government, through the Workmen's Compensation (Insurance) Regulations, 1983, which form part of the subsidiary legislation under the Workmen's Compensation Act, No. 7 of 1983, appointed the Eswatini Royal Insurance Corporation to be the sole provider of cover against occupational injuries and diseases to employers.

The Ministry of Labour and Social Security's Occupational Safety and Health Inspectorate Unit and the Workmen's Compensation Unit are the institutions mandated with the responsibility of collating, producing and publishing information on reportable occupational accidents and diseases. The OSH Inspectorate Unit has had challenges in carrying out its mandate due to

various factors including human resource constraints as accident reports have to be sorted out manually to collate the data for analysis. In this vein, the Unit has not been able to release statistics of occupational accidents and diseases for several years. On the other hand, the Workmen's Compensation Unit has made more efforts by producing statistics of occupational accidents and diseases in 2017 and 2018. Besides the statistics produced in 2017 and 2018, no other statistics were produced in the last five years.

Apart from the routine workplace safety and health inspections and investigations of accidents carried out by designated OSH competent authorities in the country, there are other ongoing activities that will have an impact on OSH in the future. The most notable of these activities include the development of the following policies and regulations: National Social Security Policy; Workplace Wellness Policy; Safety and Health Regulations for the Construction sector; and Safety and Health Regulations for the mining sector. The work of the designated national OSH competent authorities is supplemented by a few NGOs that deal with OSH and related issues.

The main NGO dealing directly with OSH issues in Eswatini is SHERQ Forum. It is a voluntary association of practitioners in safety, health, environment, risk and quality. Its main objective is to promote the exchange of information and experiences on safety, health, environment, risk and quality among its members. The forum also helps to raise public awareness on OSH through both online and print media such as the Times of Swaziland and the Swazi Observatory. It also holds conferences which attract high profile individuals periodically in order to give high visibility to OSH issues. Membership of SHERQ Forum is drawn from students pursuing courses related to the issues the association deals with, practitioners in industry and corporate bodies. Another NGO dealing with OSH-related issues is the Baphalali Eswatini Red Cross Society which, apart from being a key player in the country's disaster management programmes, also offers tailor made first-aid training programmes to industry.

Some educational and training institutions in Eswatini also play a role in the development of OSH in the country by offering training programmes in OSH. The prominent institutions that offer OSH training programmes are the Institute of Development Management (IDM) and Good Shepherd College. The former offers both Diploma and Bachelor's Degree programmes in OSH through block release. The latter offers a three year, full-time diploma course in OSH. The country's leading training institution, the University of Eswatini (UNESWA), does not offer any training programmes solely focused on OSH. However, UNESWA offers a Bachelor of Science Programme in Environmental Health which gives students the option of majoring in occupational health and safety in their final year of study.

# 1 NATIONAL REGULATORY FRAMEWORK

## 1.1 Laws and Regulations

### 1.1.1 OSH Requirements in the Constitution, Act No. 1 of 2005

The Constitution of the Kingdom of Eswatini, Act No. 1 of 2005, implicitly and explicitly address issues pertaining to occupational safety and health (OSH). Issues relating to OSH are implicitly and explicitly addressed in some sections that fall under Chapter III of the Constitution on the “Protection and Promotion of Fundamental Rights and Freedoms.”

Section 14 of the Constitution, sub-titled “Fundamental rights and freedoms of the individual”, serves as a preamble to Chapter III and implicitly addresses OSH issues by stating the following under Sub-section (1)(e) and (f): The fundamental human rights and freedoms of the individual enshrined in this Chapter are hereby declared and guaranteed, namely -

- (e) protection from inhuman or degrading treatment, slavery and forced labour, arbitrary search and entry.
- (f) respect for the rights of the family, women, children, workers and persons with disabilities.

Other sections, under Chapter III, that implicitly address OSH issues are Section 17 sub-titled “Protection from slavery and forced labour” and Section 18 sub-titled “Protection from inhuman or degrading treatment.” Section 17(2) forbids one from requiring another to perform forced labour while Section 18(1) and (2) affirms that the dignity of every person is inviolable and goes on to prohibit the subjection of any person “to torture or to inhuman or degrading treatment or punishment.”

Sections 28, 29 and 30 provide for the rights of women, children and the disabled, respectively. The stated rights of these groups of people, considered prone to marginalization, have OSH issues implied in them. Section 28(2) commits government to providing facilities and opportunities necessary to enhance the welfare of women to enable them realise their full potential and advancement. Section 29 (1) provides a child with the right to protection “from engaging in work that constitutes a threat to the health, education or development of that child.”

Section 32 of Chapter III of the Constitution, sub-titled “Rights of Workers”, makes clear and explicit provision for the rights of workers to OSH. Sub-section 3 compels the employer of a female worker to accord her protection before and after childbirth in accordance with the law. The most cardinal and clearest provisions for the safety and health of workers are found in Sub-section 4(a) and (c) of Section 32 which state that “Parliament shall enact laws to –

- (a) provide for the right of persons to work under satisfactory, safe and healthy conditions; and
- (c) ensure that every worker is accorded rest and reasonable working hours and periods with pay as well as remuneration for public holidays.

The responsibility placed on Parliament to enact laws that provide for the right of persons to work under satisfactory, safe and healthy conditions serves as a solid basis on which to build a proactive, national OSH system whose starting point is a national situational analysis of the issue, otherwise known as the National Occupational Safety and Health Profile.

### 1.1.2 Laws Covering Occupational Safety and Health

#### 1.1.2.1 The Occupational Safety and Health Act, No. 9 of 2001

The main piece of legislation providing for the preventive aspect of OSH in the Kingdom of Eswatini is the Occupational Safety and Health Act, No. 9 of 2001. The institution responsible for the enforcement of this Act is the Occupational Safety and Health Inspectorate Unit of the Ministry of Labour and Social Security (MoLSS). The objective of the Act as stated in its preamble is to “provide for the safety and health of persons at work and at the workplace and for the protection of persons other than persons at the workplace against hazards to safety and health arising out of or in connection with the activities of persons in the workplace and to provide for other matters incidental thereto.”

The Act’s scope of application extends to any workplace, including premises owned or occupied by the Government.

The Act has a total of 42 sections arranged into seven parts addressing various themes. The following are the seven parts into which the Act is divided:

#### **Part I: Preliminary**

Outlines the title of the Act, defines key words and gives the scope of application which is “to any workplace, including premises owned or occupied by the Government.”

#### **Part II: Appointment and Powers of Inspectors**

This part provides for the appointment of public officers as inspectors and spells out their powers and duties with regards to the enforcement of the Act.

#### **Part III: Duties of Employer, Self-employed and Employee**

This part of the Act specifies the duties of employers, self-employed persons and employees. It also places duties upon manufacturers, importers and users of certain articles, substances, machinery or plant at a workplace.

#### **Part IV: Safety and Health Statement, Safety and Health Policy, Safety and Health Committees**

This part provides for the management of OSH at both national and workplace levels.

At the national level, it provides for the establishment and functions of a Tripartite Advisory Technical Committee for Occupational Safety and Health, otherwise known as Experts

Committee, representing key, strategic sectors of the economy. The Experts Committee serves in advisory capacity to the Labour Advisory Board (LAB).

At workplace level, this part of the Act covers: development of an enterprise policy; election of safety and health representatives and their functions; and appointment of safety and health committees and their functions.

### **Part V: Regulation of Workplaces**

Part V of the Act provides for the regulation of premises used as workplaces and the regulation of activities that constitute or may constitute imminent risk of serious bodily injury or damage to property.

### **Part VI: Notification and Investigation of Occupational Accidents and Diseases**

This part of the Act outlines the steps to be taken with regards to the notification of occupational accidents and diseases. It further provides broad guidelines on how inquiries and investigations into occupational accidents and diseases are to be conducted by inspectors appointed under the Act.

### **Part VII: Procedure and Miscellaneous**

This last part of the Act provides for the regulation of various issues considered important to the promotion of OSH in the country, in general, and at workplaces in particular. The issues addressed inhere include: acts or omissions by managers, agents or employees; procedure for appeals against decisions of inspectors; institution of proceedings against offenders; offences and penalties; and conferring of powers to make regulations upon the Minister.

Despite Part VII of the Act providing for the formulation of regulations, none have been formulated since the Occupational Safety and Health Act was promulgated in 2001.

#### **1.1.2.2 The Factories, Machinery and Construction Works Act, No. 17 of 1972**

The other key piece of legislation providing for safety and health in workplaces is the Factories, Machinery and Construction Works Act, No. 17 of 1972. Responsibility for enforcement of the Act's provisions rests with the MoLSS' Occupational Safety and Health Inspectorate Unit. This Act provides "for the registration of factories and the regulation of working conditions and the use of machinery at factories, construction works and other premises subject to this Act, and for matters incidental thereto."

Under Sections 4 and 5, the Act respectively limits its scope to:

"all factories, including any factories or other premises owned or occupied by the Government, but shall not apply to mines and quarries as defined in the Mines, Works and Machinery Act, No. 61 of 1990"; and

"any construction work undertaken by any employer, contractor or user."

In Section 6, the Act allows for the Minister to extend its application to premises not forming part of a factory but at which pressure vessels, lifts, elevators and hoists may be used. Other areas to which the Minister may extend the Act's application include:

“any premises occupied or used as a wholesale or retail shop or business, warehouse, wharf, distribution depot or office in which persons are regularly employed”; and

“any farm, plantation, estate or forest where machinery is used in connection with any agricultural, horticultural, livestock, forestry or logging operations and where persons are regularly employed.”

The Act has 34 sections in total, divided into four parts, namely:

### **Part I: Preliminary**

This part includes title, interpretations, applications, scope, designation of public officers as inspectors, powers of inspectors.

### **Part II: Registration and Regulation of Factories**

This part regulates registration of factories, submission and approval of plans for buildings or building alterations, premises becoming unsuitable for use as factories, interdict against use of dangerous premises, removal of nuisance near a factory etc.

### **Part III: Notification and Investigation of Accidents and Industrial Diseases**

Issues that this part addresses include: notification of accidents and industrial diseases; prohibition of disturbance of accident scene without knowledge of the inspector; inquiries by inspectors into accidents; investigation of industrial accidents.

### **Part IV: Procedure and Miscellaneous**

This part addresses issues related to: acts or omissions by managers, agents or employees; appeal from decisions of inspectors; offences in connection with safety appliances; jurisdiction of magistrate's courts; exemptions by the Minister; making of regulations by the Minister.

Unlike the Occupational Safety and Health Act, the Factories, Machinery and Construction Works Act has subsidiary legislation, namely the Factories, Machinery and Construction Works Regulations, 1974.

#### **1.1.2.3 The Factories, Machinery and Construction Works Regulations, 1974**

The Factories, Machinery and Construction Works Regulations, 1974, are subsidiary to the Factories, Machinery and Construction Works Act. Like the Principal Act, these regulations are enforced by the Ministry of Labour and Social Security's Occupational Safety and Health Inspectorate Unit. The regulations cover various aspects of occupational safety and health and are divided into the following ten parts:

**Part I: Preliminary**

This part just cites the regulations and interprets some of the terms in use in the regulations.

**Part II: Administration**

This part deals with the administrative aspects of the regulations. It covers issues such as registration of factories, occupational accidents, occupational diseases, dangerous occurrences.

**Part III: Machinery**

Part three covers safety in respect of duties of users of machinery, safeguarding of certain dangerous parts of machinery, training and supervision of inexperienced workers, maintenance of machinery etc. It also addresses safety with respect to specific types of machinery such as elevators, lifting gear, various woodworking machines etc.

**Part IV: Use of Electricity**

This part addresses safety with regards to the use, installation, examination and repair of electrical machinery and apparatus.

**Part V: Boilers**

Part V of the regulations covers the erection, safe use and examination and testing of boilers.

**Part VI: Pressure Vessels**

Matters addressed under this part focus on the installation, safe use, maintenance and examination and testing of pressure vessels.

**Part VII: General Safety and Fire Precautions**

As the heading of this part suggests, it deals with the obligations of owners of premises covered by the principal act with regards to general safety issues and fire precautions.

**Part VIII: Health and Welfare**

This part of the regulations places obligations on the employer to provide facilities meant to safeguard and enhance the health and welfare of employees.

**Part IX: Intoxicated Persons or Persons under the Influence of Drugs**

Part IX of the regulations empowers the manager of a workplace covered by the principal act to prohibit “a person who is, or appears to be, under the influence of alcohol or drugs, to enter a factory or place where machinery is used.”

**Part X: General**

This part of the Regulations deals with general issues such as exemptions of some entities from their application, forms and offences and penalties.

#### 1.1.2.4 The Workmen's Compensation Act, No. 7 of 1983

The purpose of the Workmen's Compensation Act, No.7 of 1983, is "to provide for the compensation and medical treatment of workmen who suffer injury or contract disease in the course of their employment." The institution responsible for the Act's enforcement is the MoLSS' Social Security Benefits Services Unit.

The Act is composed of the following five parts:

##### **Part I: Preliminary**

This part cites the Act, provides the scope of application, and provides interpretations and definitions.

##### **Part II: Compensation for Injury**

Part II of the Act provides for establishment of the employer's liability for compensation for death or injury resulting from employment accident. It further provides for compensation in respect of death, permanent disablement, temporary partial disablement and temporary incapacity. Other issues addressed by the Act include duty of employer to report accident, obligations of employer to insure etc.

##### **Part III: Medical Aid and Establishment of Medical Board**

Matters addressed under this part of the Act include medical examination and treatment of a worker who may have incurred an injury as a result of an occupational accident and defrayment of expenses by the employer incurred by or in respect of a worker as a result of an occupational accident. The Act further provides for establishment of a Workmen's Compensation Board whose function is to resolve disputes in respect of: a worker's degree and duration of incapacity or disablement; and the medical examination and treatment of a worker.

##### **Part IV: Occupational Diseases**

Part four of the Act provides for compensation in respect of an occupational disease contracted by a worker in the course of his or her employment. Diseases considered occupational are listed under the Act's First Schedule.

##### **Part V: General**

This part gives powers to the Minister to make regulations. Other matters it addresses include penalties and the institution of criminal liabilities against officers of body corporates.

#### 1.1.2.5 The Workmen's Compensation Regulations, 1983

These regulations are subsidiary to the Workmen's Compensation Act and provide direction with regards to: investigations meant to determine whether a deceased worker may have left any dependents and if so, determine the degree to which they were dependent on his or her earnings;

establish rules for distribution of compensation to dependents; and forms and records to be used in matters relating to payment of compensation.

Just like the Principal Act, these regulations are enforced by MoLSS' Social Security Benefits Services Unit.

#### 1.1.2.6 The Workmen's Compensation (Pneumoconiosis) Regulations, 1983

The Workmen's Compensation (Pneumoconiosis) Regulations, 1983, are part of the subsidiary legislation under the Workmen's Compensation Act. Responsibility for their enforcement rests with MoLSS' Social Security Benefits Services Unit. They provide guidance on entitlement to compensation in respect of: death of a worker caused by pneumoconiosis or by pneumoconiosis accompanied by tuberculosis; total disablement of a worker due to pneumoconiosis or pneumoconiosis accompanied by tuberculosis; and a worker, though not totally disabled, suffering from pneumoconiosis accompanied by tuberculosis to such an extent as to reduce his or her earning capacity. The regulations also provide for the establishment of a Pneumoconiosis Medical Board, through appointment by the Minister, for the purpose of making the medical examinations and reports and giving the medical certificates required to be made or given by the Board in pursuance of these regulations. Further, the regulations provide for medical examination of workers immediately prior to commencing employment, during-employment and upon exiting employment in order to assess fitness for work in scheduled occupations. The regulations also place duties upon employers and workers with regards to engagement of workers in scheduled occupations and submission to periodic medical examinations, respectively.

#### 1.1.2.7 The Workmen's Compensation (Insurance) Regulations, 1983

There being no workers' compensation fund in Eswatini, the Government has through these regulations appointed the Eswatini Royal Insurance Corporation (ESRIC) as the sole insurance company through which employers should insure their liabilities in respect of disabilities and incapacitations arising from occupational injuries and work related fatalities. These regulations are subsidiary to the Workmen's Compensation Act and the institution responsible for their enforcement is MoLSS' Social Security Benefits Services Unit.

### 1.1.3 Other Laws Covering Aspects of OSH

#### 1.1.3.1 The Construction Industry Council Act, No. 14 of 2013

The Construction Industry Council Act, No. 14 of 2013, addresses matters regarding occupational safety and health in the construction sector. Section 5(c)(v) lists one of the Act's objectives being that of determining and establishing best practice that promotes "positive safety, health and environmental outcomes." The custodian of this Act is the Construction Industry Council (CIC), a public enterprise under the Ministry of Public Works & Transport.

### 1.1.3.2 The Building Operations Regulations (Under Section 37 of the Act), 1969

These regulations constitute one of the subsidiary pieces of legislation under the Building Act, No. 34 of 1968, and their custodian is the Ministry of Housing and Urban Development.

Apart from regulating public safety as it relates to building operations, these regulations also provide for the safety of workers involved in building operations. The specific issues they regulate include: excavation works, demolition works, scaffolds and means of access, lifting gear and chutes and general welfare of workers such as sheds, sanitary conveniences and first-aid provisions.

### 1.1.3.3 The Mines and Minerals Act, 2011

The objective of the Mines and Minerals Act, 2011, is “to consolidate the law on mining and provide for the management and administration of minerals, mineral oils and incidental matters.” The Minerals and Mines Department of the Ministry of Natural Resources and Energy (MNRE) is responsible for enforcement of the Act.

Section 160 of the Act empowers the Minister to make regulations on various matters related to mining including safety and health. Sub-section (1)(I) in particular states that the Minister may make regulations “prescribing the measures to be observed concerning health and safety connected to prospecting and mining operations.”

### 1.1.3.4 The Mines, Works and Machinery Act, 1960

The Mines, Works and Machinery Act, 1960, is enforced by MNRE’s Minerals and Mines Department and is meant to consolidate the law relating to the operating of mines, works and machinery.

Section 5(l) of the Act gives the Minister power to make regulations in connection with “the safety and health of persons employed in or about mines and works, and generally of persons, property and public traffic.”

Various sections in the Act address various occupational safety and health issues that may be found in the mining sector. These sections include:

- Section 9 which prohibits the employment of any male or female under the age of 18 years underground in any mine or on any work considered dangerous on account of occupational disease.
- Section 10 which regulates the number of hours of work in or upon a mine for any person who is apparently under the age of 18 years.
- Section 12 which gives the inspector of mines or machinery the power to hold an enquiry if “an accident occurs at a mine or works causing or resulting in loss of life, or injury to any person involving incapacity to work for a period of fourteen days or more.”

- Section 16 of the Act which requires the inspector of mines or machinery to give notice to the manager of a mine in order to remedy anything he or she finds “at any mine or works that anything or any practice in any way connected therewith is dangerous or defective or that the absence of any thing or practice is calculated to cause bodily injury to or be injurious to the health of any person ...”

#### 1.1.3.5 The Explosives Act, 1961

The objective of the Explosives Act, 1961, is to consolidate the law relating to the manufacture, importation, sale, transportation, storage, use and disposal of explosives and matters incidental thereto. The Act’s enforcement falls under the jurisdiction of MNRE’s Minerals and Mines Department.

Section 3 of the Act gives the Minister power to make regulations on various aspects of explosives including safety and health regarding their use in mining and mining-related activities.

#### 1.1.3.6 The Explosives Regulations, 1961

The Explosives Regulations, 1961, are subsidiary to the Explosives Act. Like the Principal Act, their enforcement rests with MNRE’s Minerals and Mines Department. The regulations are divided into twelve parts that address various aspects of safety and health with regards to explosives. The following are the main themes addressed by the regulations:

- Manufacture;
- Conveyance over land;
- Storage;
- Sale, purchase or acquisition;
- Unlawful possession, hiding and abandoning of explosives;
- Use of explosives;
- Duties of blasting licence holders;
- Duties of ganger or miner in charge who is a blasting licence or permit holder; and
- Anti-hail rockets.

#### 1.1.3.7 The Mines and Quarries (Safety) Regulations, 1969

The Mines and Quarries (Safety) Regulations, 1969, constitute part of the subsidiary legislation under the Mines, Works and Machinery Act. The institution responsible for the enforcement of these regulations is MNRE’s Minerals and Mines Department. They provide for safety and health in works carried out in mines and quarries. The regulations are divided into fifteen parts and address various, critical safety and health issues related to mining and quarrying including the following:

- Surface protection;
- Open cast workings and quarries;
- Underground workings;
- Winding in shafts: precautions, signals, examination;
- Signals;
- Examinations and shaft log book;
- Outlets, travelling and ladderways;
- Ventilation and dust control
- Lighting;
- Workmen, duties of gangers etc.;
- Mine plans;
- Ambulance and accidents;
- Responsibility in connection with mines and quarries; and
- Appointments and qualifications of officials.

Some of the duties placed upon the manager of a mine or quarry under these regulations include providing for the safety of persons working at the mine or quarry as provided for under Article 120(1)(c) of the regulations.

#### 1.1.3.8 The Public Health Act, 1969

The Public Health Act, 1969, makes provisions as to public health and matters incidental or connected thereto. Its enforcement rests with the Ministry of Health (MoH). Local Authorities, through delegated authority from MoH also play a role in the Act's enforcement. Section 11(r) and 11(s) of the Act respectively describe the following as nuisances that ought to be dealt with:

“factory or trade premises not kept in a cleanly state and free from offensive smell arising from any drain, privy, water-closet, earth-closet, or urinal, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be or likely to be injurious or dangerous to the health of those employed therein”; and

“factory or trade premises causing or giving rise to smells or effluvia which are or are likely to be offensive or injurious or dangerous to health.”

Under Section 10, the Act gives local authorities the duty to:

“take all lawful, necessary and reasonably practicable measures for preventing or causing to be prevented or remedied all conditions liable to be injurious or dangerous to health arising from the erection or occupation of unhealthy dwellings or premises, or the erection of dwellings or premises on unhealthy sites or on sites of insufficient extent, or from over-crowding, or from the construction, condition or manner of use of any factory or trade premises and to take proceedings under the law or regulations in force in its area against any person causing or responsible for the continuance of any such condition.”

Notwithstanding what is stated in Section 10 above, paragraph two of the section adds a caveat stating that this action shall be taken by local authorities “Provided that except with the consent of the chief inspector appointed under the Factories Act, No. 15 of 1965, no action shall be taken by any local authority under this Part in respect of any factory premises if such action is likely to interfere with the condition or manner of use of any machinery or plant.”

The challenge posed by the caveat is that Factories Act, No. 15 of 1965, is no longer in existence as it was repealed by Section 34(1) of the Factories, Machinery and Construction Works Act, No. 71 of 1972. It is therefore essential that the Public Health Act, 1969, is reviewed and subsequently brought into alignment with other pieces of legislation.

#### 1.1.3.9 Fire Safety Legislation

Presently, the Kingdom of Eswatini does not have legislation that is solely focused on fire prevention and fire-fighting. What is in existence are some standards under the Eswatini Standards Authority addressing various aspects related to fire safety. These standards include:

- |                                |   |                                                                                                                           |
|--------------------------------|---|---------------------------------------------------------------------------------------------------------------------------|
| <b>SZNS 020:2012</b>           | - | Portable refillable fire extinguishers                                                                                    |
| <b>SZNS 029-1:2015</b>         | - | The production of reconditioned fire-fighting equipment - Part 1: Portable and wheeled (mobile)                           |
| <b>SZNS SANS 543:2004</b>      | - | Fire hose reels (with semi-rigid hose)                                                                                    |
| <b>SZNS SANS 10105-1:2010</b>  | - | The use and control of firefighting equipment - Portable and wheeled (mobile) fire extinguishers                          |
| <b>SZNS SANS 10177-1:2005</b>  | - | Fire testing of materials, components and elements used in buildings, Part 1: General introduction to the methods of test |
| <b>SZNS SANS 10263-2: 2008</b> | - | The warehousing of dangerous goods Part 2: The storage and handling of gas cylinders                                      |

The Fire and Emergency Services Department which falls under the Ministry of Housing and Urban Development is the competent authority tasked with promoting safety with regards to fire. However, the institution, which was established in terms of the King's Order-in-Council No.14 of 1975, does not have an act of parliament to support its mandate.

#### 1.1.3.10 The Environmental Management Act, No. 5 of 2002

The Environment Management Act, No. 5 of 2002, is an Act meant “to provide and promote the enhancement, protection and conservation of the environment, sustainable management of natural resources and matters incidental thereto.” Along with its subsidiary legislation, the Act is enforced by Eswatini Environment Authority (EEA).

The Environmental Audit, Assessment and Review regulations, 2000, which fall under the Environment Management Act require a proponent of a development project to carry out an Environmental Impact Assessment (EIA) in order to ensure protection and conservation of the environment, natural resources and safeguarding of human health from uncontrolled development. One of the things the would-be developer is required to do in the course of carrying out the EIA is to assess the impact of the project on the safety and health of workers.

The EEA is responsible for reviewing all aspects, including OSH, of the EIA reports submitted to it by would-be developers. It would be more ideal for EEA to share EIA reports with the OSH Inspectorate Unit to enable it provide expert opinions on matters related to OSH. Sharing of EIA reports with concerned regulatory agencies would enable them be aware of issues affecting their areas of operations and give them ample time to address the issues.

#### 1.1.4 ILO OSH Conventions Ratified by Eswatini

The Kingdom of Eswatini has to date ratified 33 ILO Conventions. These include the 8 fundamental Conventions covering subjects considered as fundamental principles and rights at work, 2 out of the 4 Governance Conventions and 23 technical Conventions.

One of the 2 Governance Conventions ratified by the country is C081 – Labour Inspection Convention, 1947 (No. 81). This Convention is key to the promotion of OSH as it urges each ratifying member state to maintain a system of labour inspection in industrial workplaces. In Article 3, the Convention outlines several functions of the labour inspection system including “the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare ...”

Of all the 33 ratified conventions, 2 have been denounced and 5 have been abrogated leaving only 26 Conventions currently in force.

None of the primary OSH technical Conventions have been ratified by the Eswatini. However, the country has ratified a few technical conventions related to the subject of OSH and these include the following:

*C012 – Workmen’s Compensation (Agriculture) Convention, 1921 (No. 12):* Urges each member country that ratifies the Convention to undertake “to extend to all agriculture wage earners its laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment.”

*C019 – Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19):* The Convention places responsibility upon each member country that ratifies it “to grant to the nationals of any other Member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependents, the same treatment in respect of workmen’s compensation as it grants to its own nationals.”

The full list of ILO Conventions ratified by the Kingdom of Eswatini is attached as Annex I.

### 1.1.5 Existing Legal and Administrative Gaps in National OSH Legislation vis-à-vis C155 and C187

ILO Conventions and Recommendations on OSH serve several purposes in the promotion of decent, safe and healthy working conditions. Some of their purposes include:

- Guiding national and enterprise policies on the promotion and management of OSH;
- Providing good practices with regards to the protection of workers from elements such as noise, vibration, dust, chemicals, radiation etc.
- Offering protection to workers in specific economic sectors such agriculture, mining and construction.

Convention 155 and Convention 187 are part of the core ILO standards on OSH which the Kingdom of Eswatini has not ratified. Despite not ratifying these conventions, the country has made significant strides in meeting some of the requirements of the conventions. However, there are some gaps in the country's legal and administrative infrastructure that need to be addressed. These include the following:

#### **(i) Lack of National Policy on Occupational Safety and Health**

It is a requirement of Article 4(1) of Convention 155 and Article 3(1) of Convention 187 that each member state promotes a safe and healthy working environment by formulating a national policy on OSH. Eswatini, however, is yet to develop a national policy on OSH.

#### **(ii) Inadequate enforcement capacity**

Article 9(1) of Convention 155 requires the enforcement of laws and regulations concerning OSH and the working environment to be secured by adequate and appropriate system of inspection. However, the OSH Inspectorate Unit in the Department of Labour has not been able to adequately inspect workplaces that are covered by the Occupational Safety and Health Act due to low staffing levels and a critical shortage of logistics and funds for operations.

#### **(iii) Lack of consistency in generating accident reports and annual performance reports**

Under Article 11(c) of Convention 155, the competent authority of each member state is progressively required to carry out “the establishment and application of procedures for the notification of occupational accidents and diseases, by employers and, when appropriate, insurance institutions and others directly concerned, and the production of annual statistics on occupational accidents and diseases.” However, the OSH Inspectorate Unit has not produced annual accident statistics in the last 5 years. Further, the Unit and the Labour Department have not consistently produced and published annual performance reports since the Ministry's establishment in 2008.

The non-publication of annual performance reports by the OSH Inspectorate Unit and the Labour Department is in itself a breach of Section 12 of the Country's Employment Act, No. 5 of 1980, which requires that an annual report which deals with various labour issues including statistics of industrial accidents and occupational diseases be published and sent to the Minister "within a reasonable time after the end of the year to which it relates and in any case within twelve months of the end of that year."

### 1.1.6 Practical Application of International Standards

Despite some of the shortcomings highlighted in 1.1.5 above, the Kingdom of Eswatini has scored some successes in domesticating some aspects of International Labour Standards (ILS) on OSH. The following are some of the successes the country has scored in applying international standards on OSH:

- Under Section 19 of the Occupational Safety and Health Act, the country has established a Tripartite Advisory Technical Committee for Occupational Safety and Health which has been meeting regularly. This is in accordance with Article 4(3)(a) of C187 which advocates for the establishment of a national tripartite advisory body to address OSH issues.
- Under Section 13 of the Occupational Safety and Health Act, undertakings are required to formulate safety and health policies.
- Section 16 of the Occupational Safety and Health Act requires an employer with twenty or more employees to establish a Safety and Health Committee. This is in accordance with Article 4(2)(d) of C187 which requires each member state to provide a mechanism through which cooperation on OSH between management, workers and their representatives can be fostered at enterprise level.

### 1.1.7 Engendering of OSH Legislation

The Constitution of Eswatini provides a firm and progressive basis for engendering of OSH legislation in the country. Section 32, under Chapter III of the Constitution sub-titled "Rights of Workers", makes clear and explicit provision for the rights of workers to OSH. Sub-section 3, in particular, compels the employer of a female worker to accord her protection before and after childbirth in accordance with the law.

Following the lead set by the constitution, some of the existing pieces of OSH legislation have attempted to address some gender issues prevalent in workplaces. Of particular note is Part VIII of the Factories, Machinery and Construction Works Regulations which deals with "Health and Welfare." Cases in point include:

- Article 136(2)(v) which requires an employer to provide a bin with a close fitting lid in each sanitary convenience provided for females.

- Where more than ten females work in a factory, Article 145(1) requires the employer to provide “a suitable rest room furnished with a couch or other suitable furniture for their use during intervals in their work or in the event of any illness or faintness during working hours.

Despite the progressive efforts made at engendering OSH issues in the items highlighted above, a lot still requires to be done to ensure that OSH legislation is sufficiently responsive to gender issues. The Workmen’s Compensation Act, for example, may need to have its very title reviewed to ensure that it is inclusive by not just referring to workmen but rather by using terms that will also encompass women. The Occupational Safety and Health Act may also need to provide a broad basis upon which to deal with gender issues such as ergonomic designs of workstations and exposure to some chemicals which have adverse effects on expectant mothers and the unborn.

### 1.1.8 Addressing of Workplace Psychosocial Risks in Risk Assessment Procedures

The more recent Occupational Safety and Health Act does not explicitly address workplace psychosocial risks and risk assessment procedures. However, the Factories, Machinery and Construction Works regulations which fall under the Factories, Machinery and Construction Works Act, 1972, address some of the aspects of psychosocial issues. Sub-articles 1, 2,3 and 4 of Article 152, under Part IX, of these regulations state the following:

- (1) “No manager shall allow a person who is, or appears to be, under the influence of alcohol or narcotic drugs, to enter a factory or place where machinery is used.”
- (2) “No person shall enter a factory or a place where machinery is used whilst under the influence of alcohol or narcotic drugs.”
- (3) “The Manager or any person deputed by him may, if it is necessary so to do in the interests of the safety of other persons, arrest or cause to be arrested any person whom he, on reasonable grounds, suspects of having contravened paragraph (2) hereof, and shall hand him over to the nearest police station or police officer as soon as is practicable to be dealt with according to law.”
- (4) “No person shall take intoxicating liquor or narcotic drugs into a factory or place where machinery is used except with the express permission of the manager, or unless such liquor or drugs are required for use by such person in the course of his duties for medicinal or such like purpose.”

## 1.2 OSH Technical Standards, Guidelines and Management Systems

### 1.2.1 Implementation of OSH Management Systems at Enterprise Level

The Occupational Safety and Health Act or indeed the Factories, Machinery and Construction Works Act do not prescribe any particular type of OSH management system to be implemented by enterprises.

### 1.2.2 Availability and Use of Technical Standards Related to OSH

The Eswatini Standards Authority (SWASA) is the entity mandated to develop standards in the country. SWASA, a parastatal body under the Ministry of Commerce, Industry and Trade, was established in 2003 through the Quality and Standards Act.

Since its establishment, SWASA has developed several technical standards covering various areas of significant importance to the country's development. The standards SWASA has developed fall into eight categories, one of which is 'Health and Safety'. The number of standards under the safety and health category stands at 39 and some of the prominent ones include the following:

|                               |   |                                                                                                         |
|-------------------------------|---|---------------------------------------------------------------------------------------------------------|
| <b>SZNS 022:2015</b>          | - | Occupational First Aid - Requirements                                                                   |
| <b>SZNS 032: 2014</b>         | - | Solid waste disposal sites, guidelines for safe management- Code of practice                            |
| <b>SZNS 036:2014</b>          | - | Measurement and assessment of occupational noise for hearing conservation purposes                      |
| <b>SZNS SANS 1186-1: 2011</b> | - | Symbolic Safety Signs Part 1: Standard signs and general requirements                                   |
| <b>SZNS SANS 543:2004</b>     | - | Fire hose reels (with semi-rigid hose)                                                                  |
| <b>SZNS SANS 10248-1:2010</b> | - | Management of healthcare waste - Part 1: Management of healthcare risk waste from a healthcare facility |
| <b>SZNS ISO 11611: 2007</b>   | - | Protective clothing for use in welding and allied processes                                             |
| <b>SZNS SANS 5001-1: 2004</b> | - | Safety rules for the construction and installation of lifts Part 1: Electric Lifts                      |

The full list of SWASA standards that fall under the occupational health and safety category is attached as Annex II.

### 1.2.3 Use of ILO Codes of Practice by Competent Authorities, Business and Trade Union

With the exception of the use of the 'ILO Code of Practice on HIV/AIDS and the World of Work' as a reference tool at the time the country was developing its 'Code of Good Practice:

HIV/AIDS in Employment’, there has not been any noticeable use of the various ILO Codes of Practice related to OSH among the competent authorities, business and trade unions.

The ILO Codes of Practice that provide for safety and health on various workplace issues could serve as tools for capacity building among trade unions. The knowledge and information gained from these codes of practice could enable trade union representatives competently and confidently negotiate for inclusion of OSH issues in their collective agreements. Currently, OSH issues do not receive adequate attention during collective bargaining processes.

## 2 NATIONAL COMPETENT AUTHORITIES

### 2.1 Occupational Safety and Health Inspectorate Unit

The Occupational Safety and Health Inspectorate Unit, under the Ministry of Labour and Social Security (MoLSS), is the designated national competent authority responsible for the promotion of OSH in Eswatini. The Unit's main mandate as provided for under the Country's Legal Notice No. 189 of 2015 is to inspect factories and machinery in workplaces and to ensure employers' compliance with the provisions of the existing OSH legislation. Though the OSH Inspectorate Unit was previously under the Ministry's Department of Labour, the Ministry's Strategic Plan for 2019 – 2023 places the Unit under the Department of Social Security.

#### 2.1.1 Enabling Legislation

In fulfilling its mandate, the OSH Inspectorate Unit has been charged with the enforcement of the Occupational Safety and Health Act (No. 9 of 2001) and the Factories, Machinery and Construction Works Act (No. 17 of 1972) and its subsidiary legislation the Factories, Machinery and Construction Works Regulations, 1974.

#### 2.1.2 Duties and Responsibilities of OSH Inspectorate Unit

The duties and responsibilities assigned to the OSH Inspectorate Unit by government are outlined in Box 2.1 below:

#### **Box 2.1: Functions of Occupational Safety and Health Inspectorate Unit**

- Conduct regular occupational safety and health inspections.
- Conduct workplace environmental monitoring.
- Investigate occupational accidents
- Educate, advise and counsel employers and workers on OSH laws and their application.
- Conduct inspections of pressure vessels including boilers.
- Conduct inspections of hoists and elevators.
- Issue factory permits.
- Issue Improvement Notices.
- Issue Prohibition Notices.

*Source: Ministry of Labour and Social Security Web Page on Government of Eswatini Website and Occupational Safety and Health Act, No. 9 of 2001*

### 2.1.3 Geographical Distribution, Staff Establishment and Organisational Structure of OSH Inspectorate Unit

#### 2.1.3.1 Geographical Distribution

The OSH Inspectorate Unit currently only has offices at the Headquarters of the Ministry of Labour and Social Security in the Capital City of Mbabane, in the Hhohho Region. It does not have offices in any of the other three regions of the country, namely Lubombo, Manzini and Shiselweni.

#### 2.1.3.2 Staff Establishment

The establishment for the technical staff in the OSH Inspectorate Unit comprises 1 Occupational Health Specialist, 1 Chief Inspector of Factories, 1 Assistant Labour Commissioner – OSH, 1 Principal Inspector of Factories, and 4 Inspectors of Factories. As of end of December 2019, only 5 out of the 8 establishment positions in the Unit are occupied. Three positions comprising one Occupational Health Specialist and two Inspectors of Factories are vacant. Table 2.1 below gives a breakdown of both the staff establishment and the staff complement in the OSH Inspectorate Unit.

**Table 2.1: Staff Establishment and Staff Complement of Occupational Safety and Health Inspectorate Unit**

| POST DESCRIPTION                    | STAFF ESTABLISHMENT | NUMBER OF FILLED POSTS | NUMBER OF VACANCIES |
|-------------------------------------|---------------------|------------------------|---------------------|
| Occupational Health Specialist      | 1                   | 0                      | 1                   |
| Chief Inspector of Factories        | 1                   | 1                      | 0                   |
| Assistant Labour Commissioner - OSH | 1                   | 1                      | 0                   |
| Principal Inspector of Factories    | 1                   | 1                      | 0                   |
| Inspector of Factories              | 4                   | 2                      | 2                   |
| <b>Total</b>                        | <b>8</b>            | <b>5</b>               | <b>3</b>            |

**Source:** *The Kingdom of Swaziland Establishment Register, 2017/2018, and Author's Compilation from Interviews with Staff in Occupational Safety and Health Inspectorate Unit*

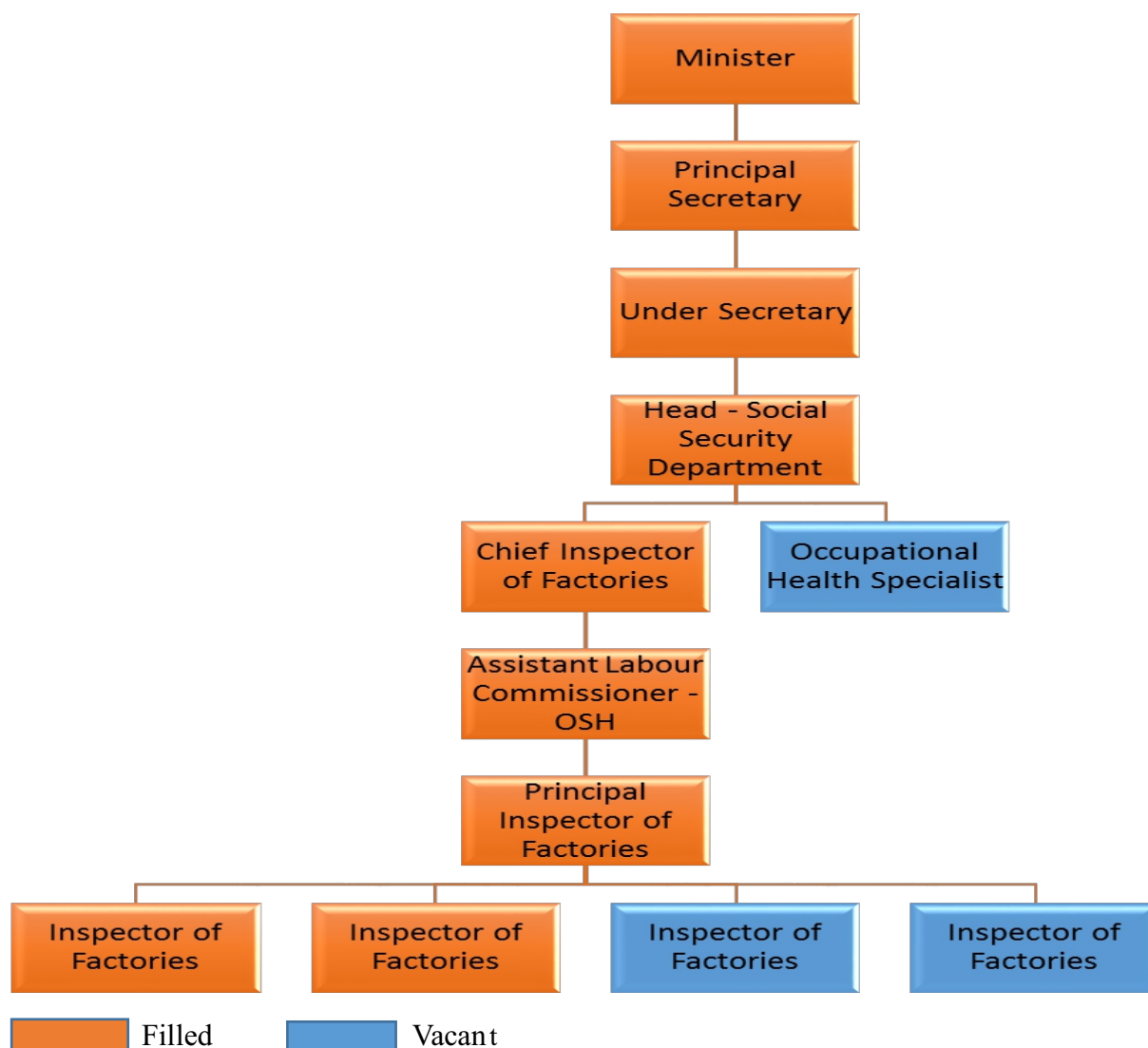
Even with the very low staff establishment of a mere eight posts, the OSH Inspectorate Unit has had challenges filling the three vacant posts and retaining staff due to several factors. One of the main challenges of filling the vacant posts is the disparities in the salary grades between the establishment posts in the OSH Inspectorate Unit and its equivalent entities within the Ministry of Labour and Social Security and in the wider institution of government. Whereas the entry grade for first degree holders in Government is C5, the entry level for first degree holders in the

Unit is a grade lower at C4. Further, a Principal Inspector of Factories in the OSH Inspectorate Unit is at a Salary Grade of C5 while the equivalent post of Principal Labour Officer in the General Labour Inspectorate Unit is at a higher grade of D4, and that of a Principal Claims Officer is at an even yet higher grade of E3. These challenges have been further compounded by the freeze on recruitment instituted by Government due to the economic difficulties facing the country.

### 2.1.3.3 Organisational Structure

Below is the organisational structure of the OSH Inspectorate Unit, indicating both the staff establishment and staff complement as well as the reporting relationships.

**Figure 2.1: Organisational Structure of Occupational Safety and Health Inspectorate Unit**



**Source:** Ministry of Labour and Social Security Strategic Plan 2019-2023 Final Draft Document

## 2.2 Minerals and Mines Department's Inspectorate/Regulatory Unit

The Minerals and Mines Department is one of the departments under the Ministry of Natural Resources and Energy. The Department has three Units comprising Administration, Minerals Development and Inspectorate. The Inspectorate Unit, also known as Regulatory Unit, is responsible for ensuring safety and health in the country's mining sector, particularly with regards to the use of civil explosives, machinery and mining operations in general.

### 2.2.1 Enabling Legislation

To facilitate the execution of its mandate, the Minerals and Mines Department's Inspectorate Unit has been tasked with the enforcement of the following Acts of Parliament: Mines and Minerals Act, No. 4 of 2011; Mines, Works and Machinery Act, 1960; Diamond Act, No. 3 of 2011; and the Explosives Act of 1961. Apart from these principal acts of parliament, the Unit is also responsible for the enforcement of the Explosives Regulations, 1961, the Mines Works and Machinery Regulations and the Mines and Quarries (Safety) Regulations, 1969.

### 2.2.2 Duties and Responsibilities of Minerals and Mines Department's Inspectorate/Regulatory Unit

The Minerals and Mines Department's Inspectorate/Regulatory Unit's duties and responsibilities are as highlighted in Box 2.2 below.

#### **Box 2.2: Duties and Responsibilities of Minerals and Mines Department's Inspectorate Unit**

- Provide professional guidance on matters of mine health and safety, mine waste disposal and environmental control of pollution arising from mining activities.
- Inspect electrical/mechanical installations and mechanical mobile plant and vehicles.
- Control the manufacture, transportation, storage, usage, disposal/destruction, sale, importation, exportation of explosives.
- Collate monthly returns on the acquisition, storage and use of explosives.
- Coordinate with other inspectorate units in other government agencies on matters relating to mine health and safety, and the environment.
- Examine and certify mining winder drivers, mine hoists, lift appliances, pressure generating equipment and drilling tools.
- Authorise blasting license holders.
- Monitor and review mine rehabilitation programmes with mine management.

**Source:** Ministry of Natural Resources and Energy Web Page on Government of Eswatini Website and documents provided by the Ministry's Minerals and Mines Department

### 2.2.3 Geographical Distribution, Staff Establishment and Organisational Structure of Minerals and Mines Department's Inspectorate Unit

#### 2.2.3.1 Geographical Distribution

The Inspectorate Unit in the Ministry of Natural Resources and Energy's Minerals and Mines Department, like its counterpart the OSH Inspectorate Unit in the Ministry of Labour and Social Security, only has offices in the Capital City, in Mbabane - Hhohho Region. It does not have established offices in the other regions of the country due to the limited size of the mining sector in the country.

The country has only two major mines, one coal mine and one gold mine. It also has six quarries where aggregates used in the construction sector are mined. Of the six quarries, four are run on a commercial basis and are in constant production while the other two only come into production as and when the owners thereof have construction projects to execute. The rest of the players in the mining sector are informal, small scale miners of building sand.

#### 2.2.3.2 Staff Establishment

The Minerals and Mines Department's Inspectorate Unit has an establishment register of 7 positions for technical staff. As of end of December 2019, the staff complement stands at 4. The breakdown outlining the staff establishment and staff complement is as indicated in table 2.2 below.

**Table 2.2: Staff Establishment and Staff Complement of the Minerals and Mines Department's**

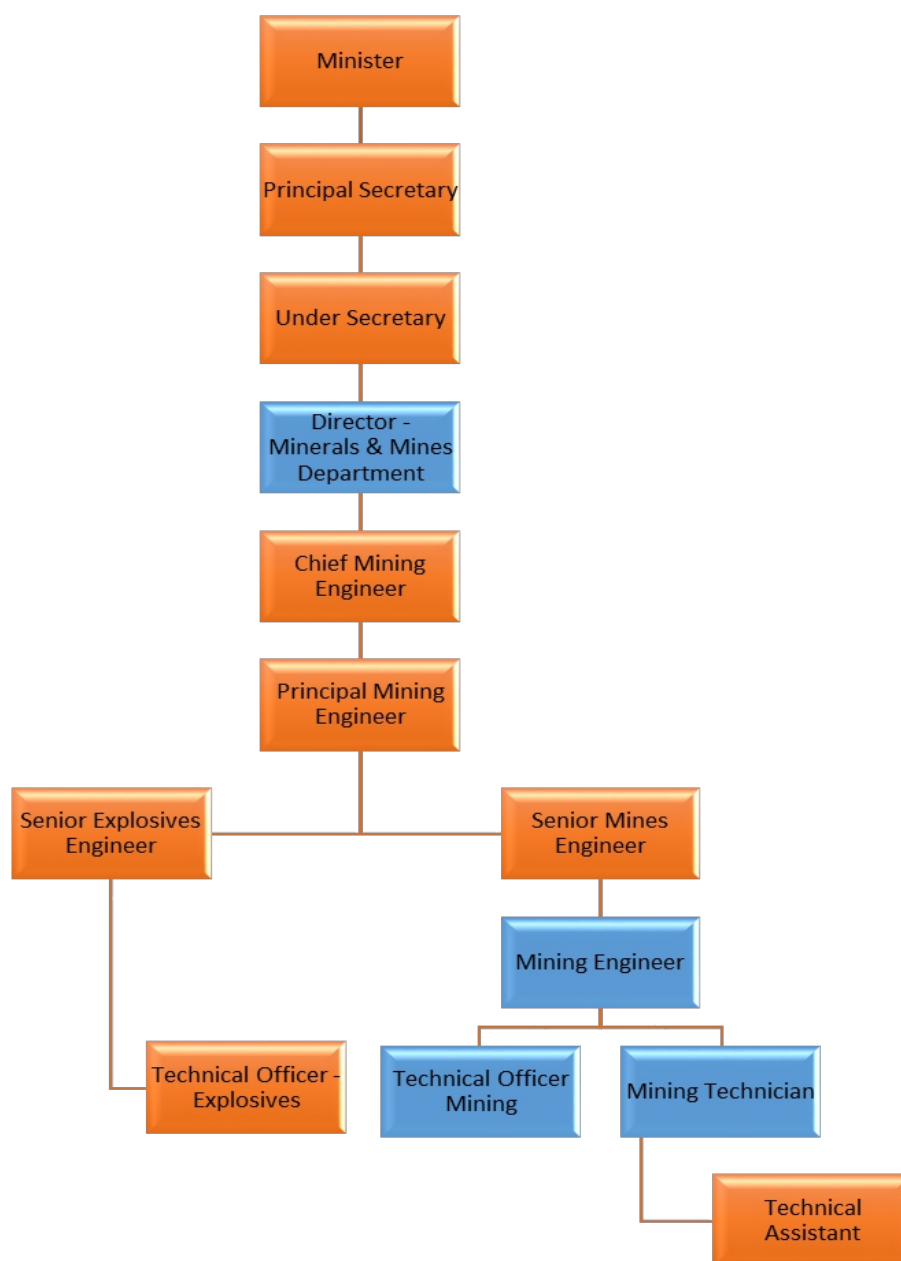
| POST DESCRIPTION             | STAFF ESTABLISHMENT | NUMBER OF FILLED POSTS | NUMBER OF VACANCIES |
|------------------------------|---------------------|------------------------|---------------------|
| Senior Mining Engineer       | 1                   | 1                      | 0                   |
| Senior Explosives Engineer   | 1                   | 1                      | 0                   |
| Mining Engineer              | 1                   | 0                      | 1                   |
| Mining Technician            | 1                   | 0                      | 1                   |
| Technical Officer Mining     | 1                   | 0                      | 1                   |
| Technical Officer Explosives | 1                   | 1                      | 0                   |
| Technical Assistant          | 1                   | 1                      | 0                   |
| <b>Total</b>                 | <b>7</b>            | <b>4</b>               | <b>3</b>            |

*Source: The Kingdom of Eswatini Establishment Register, 2017/2018*

### 2.2.3.3 Organisational Structure

Below is the organisational structure of the Minerals and Mines Department's Inspectorate Unit, indicating both the staff establishment and staff complement as well as reporting relationships.

**Figure 2.2: Organisational Structure of Minerals and Mines Department's Inspectorate/Regulatory Unit**



Filled       Vacant

**Source:** Compiled from documents provided by Ministry of Natural Resources and Energy's Minerals and Mines Department and Eswatini Government Establishment Register, 2017/2018

### 3 INSPECTION AND ENFORCEMENT SYSTEMS

In Eswatini, the main system for the inspection of workplaces and enforcement of legislation concerning workplaces is found within the Ministry of Labour and Social Security. The inspection and enforcement system is divided into the General Labour Inspection Unit and the Occupational Safety and Health Inspectorate Unit. The General Labour Inspection Unit is responsible for ensuring compliance with legislation that regulates working conditions such as wages, working hours and the protection of vulnerable members of society, particularly children, from adverse work such as that associated with child labour. The OSH Inspectorate Unit, on the other hand, is responsible for the enforcement of legislation that regulates the working environment with particular emphasis on the safety, health and welfare of workers through inspections.

#### 3.1 Enforcement Powers of OSH Inspectorate Unit

To aid the OSH Inspectorate Unit in the enforcement of the Occupational Safety and Health Act, the Act empowers the Inspector appointed under it to:

- (i) Enter any workplace without prior notice, during normal working hours, so long the inspector has reasonable cause to believe the workplace in question is subject to the Act in order to:
  - carry out an inspection or relevant enquiry;
  - require the provision of any document relevant to this Act and examine and take a copy thereof;
  - question the occupier, manager, or any other person who the inspector thinks fit on any matter relating to the Act;
  - if need be, require any person referred to above to sign a declaration or statement as to the truth of the facts stated by that person when questioned;
  - take into a workplace an interpreter, an assistant, or a member of the Royal Eswatini Policy as the inspector deems necessary.
- (ii) Investigate complaints brought to the attention of the inspector by any person including an employee, safety and health representative, safety and health committee member or employer relating to safety and health.
- (iii) Immediately after an inspection, cause an inspection report to be sent to the employer and a copy sent to the safety and health representative or safety and health committee where one exists.

- (iv) Take samples of any material or substance used or intended to be used, which the inspector thinks is likely or which may on analysis prove to be likely to cause bodily injury to persons working at the workplace.

To enable inspectors carry out their work with confidence and without undue fear, Section 5(5) of the Act states that “An inspector shall not incur any civil liability by reason of the fact that the inspector failed to do anything which that inspector is required to do in terms of this Act.”

### 3.1.1 Number of Enterprises Covered by OSH Inspectorate Unit

#### 3.1.1.1 Number of Enterprises Covered in Formal Sector

According to the 2017 report of the Eswatini FinScope MSME survey produced by Finmark Trust, it is estimated that the total number of MSMEs in Eswatini is about 59,283 employing approximately 93 000 people (accounting for 16 percent of the total working age population). Of the total MSMEs, however, only 8% are said to be small and medium enterprises (SMEs).

Data from the Eswatini FinScope MSME survey shows that when the official Eswatini definition of MSME is applied, there are only approximately 5,400 SMEs in Eswatini.

#### 3.1.1.2 Number of Enterprises Covered in Informal Sector

Quoting the 2017 Eswatini FinScope MSME survey report and the Director of Trade in the Ministry of Commerce, Trade and Industry, the Times of Swaziland of 18<sup>th</sup> January 2019 stated that there were approximately 44,000 informal enterprises in Eswatini. These are enterprises that were not formally registered under the Companies Act, No. 8 of 2009.

### 3.1.2 Number and Types of Inspections Carried out by OSH Inspectorate Unit per Year

#### 3.1.2.1 Number and Types of Inspections Carried out in Formal Sector

During 2019, the OSH Inspectorate Unit carried out a total of 88 workplace inspections, 2 follow-up inspections, 20 steam boiler inspections, 125 inspections of elevators and 7 accident investigations. Over the same period in 2018, the Unit carried out a total of 91 workplace inspections, 13 follow-up inspections, 41 steam boiler inspections, 127 inspections of elevators and 2 accident investigations. The inspections of steam boilers and elevators are not directly carried out by the OSH Inspectorate Unit. Instead, they are carried out by government-appointed, private entities under the supervision of the OSH Inspectorate Unit.

Apart from the activities listed above, the OSH Inspectorate Unit also carried out other activities during the period under consideration. Table 3.1 below gives details of the inspections, and other activities, carried out by the OSH Inspectorate in 2018 and 2019.

**Table 3.1: Inspections, and other activities, carried out by OSH Inspectorate Unit 2018 and 2019**

| ACTIVITIES                 | 2018       | 2019       |
|----------------------------|------------|------------|
| Workplace Inspections      | 91         | 88         |
| Follow-up Inspections      | 13         | 2          |
| Accidents Investigated     | 2          | 7          |
| Factory Permits Issued     | 16         | 0          |
| Steam Boilers Inspected    | 41         | 20         |
| Elevators Inspected        | 127        | 125        |
| Improvement Notices Issued | 47         | 31         |
| Prohibition Notices Issued | 0          | 5          |
| <b>TOTAL</b>               | <b>337</b> | <b>278</b> |

*Source: Records provided by OSH Inspectorate Unit*

### 3.1.2.2 Number and Types of Inspections Carried out in Informal Sector

The OSH Inspectorate Unit has not carried out any inspections of significance in the informal sector over the past several years. This is due to a number of factors including resource limitation (human, logistical and financial) faced by the OSH Inspectorate Unit and the lack of a well-coordinated association of informal sector enterprises to facilitate interaction and information dissemination to the sector.

### 3.1.3 Number and Types of OSH Violations per Year

In 2018 the total number of OSH violations registered by the OSH Inspectorate Unit stood at 328. The highest number of violations were related to provisions for fire safety (42), followed by violations against provisions in respect of enterprise OSH policy (40) and first-aid (40). The next highest violations were in respect of provision of sanitary accommodation (39). The least number of violations had to do with provisions for chemical safety and drinking water which each registered 3 violations.

In terms of sectors, Textile and Apparel (100), Manufacturing (81), Construction (62) and Engineering had the highest number of violations. The Banking and Agriculture sectors had the least number of violations, in 2018, with 3 and 10 registered violations respectively.

The total number of OSH violations in 2019 stood at 340. The highest number of violations were against legal provisions relating to OSH enterprise policy and PPE which each registered 48

violations. The second highest number of violations was against first-aid provisions (46), followed by violations against provisions for fire safety (45). The least number of violations recorded were in respect of provision of welfare facilities such as provision of change rooms (3) and provision of drinking water (5).

In terms of sectors, the Forestry sector recorded the highest number of violations at 91. This was followed by the Engineering sector which had 79 violations. Sectors with the least number of violations were the Services sector which did not register any violations followed by the Hospitality sector with 8 violations.

Tables 3.2 and 3.3 below give a detailed breakdown of the types and numbers of OSH violations registered by the OSH Inspectorate Unit in 2018 and 2019 respectively.

**Table 3.2: Type of OSH violations versus Industrial Sector, 2018**

| TYPE OF VIOLATION<br>SECTOR | OSH POLICY | MACHINERY<br>SAFETY | FIRE<br>PRECAUTIONS | SANITARY<br>ACCOMMODATION | CHEMICAL<br>SAFETY | PPE       | FIRST-AID | ELECTRICAL<br>SAFETY | HOUSEKEEPING | ACCIDENT<br>REPORTING | SAFETY<br>COMMITTEES | DRINKING<br>WATER | TOTAL      |
|-----------------------------|------------|---------------------|---------------------|---------------------------|--------------------|-----------|-----------|----------------------|--------------|-----------------------|----------------------|-------------------|------------|
| Manufacturing               | 11         | 7                   | 13                  | 8                         | 0                  | 10        | 10        | 8                    | 6            | 5                     | 2                    | 1                 | 81         |
| Construction                | 6          | 6                   | 5                   | 11                        | 0                  | 15        | 9         | 1                    | 0            | 8                     | 1                    | 0                 | 62         |
| Textile & Apparel           | 9          | 10                  | 12                  | 13                        | 2                  | 16        | 11        | 7                    | 6            | 4                     | 9                    | 1                 | 100        |
| Engineering                 | 8          | 6                   | 6                   | 5                         | 0                  | 6         | 8         | 3                    | 0            | 5                     | 2                    | 1                 | 50         |
| Distribution                | 4          | 3                   | 3                   | 1                         | 1                  | 3         | 2         | 1                    | 2            | 2                     | 0                    | 0                 | 22         |
| Banking Institutions        | 1          | 1                   | 0                   | 0                         | 0                  | 1         | 0         | 0                    | 0            | 0                     | 0                    | 0                 | 3          |
| Agriculture                 | 1          | 1                   | 3                   | 1                         | 0                  | 1         | 0         | 2                    | 0            | 0                     | 1                    | 0                 | 10         |
| <b>GRAND TOTAL</b>          | <b>40</b>  | <b>34</b>           | <b>42</b>           | <b>39</b>                 | <b>3</b>           | <b>52</b> | <b>40</b> | <b>22</b>            | <b>14</b>    | <b>24</b>             | <b>15</b>            | <b>3</b>          | <b>328</b> |

*Source: Records provided by OSH Inspectorate Unit*

Table 3.3: Type of OSH violations versus Industrial Sector, 2019

| TYPE OF VIOLATION<br>SECTOR | OSH POLICY | MACHINERY<br>SAFETY | FIRE<br>PRECAUTIONS | SANITARY<br>ACCOMMODATION | CHEMICAL<br>SAFETY | PPE       | FIRST-AID | ELECTRICAL<br>SAFETY | HOUSEKEEPING | ACCIDENT<br>REPORTING | SAFETY<br>COMMITTEES | VENTILATION | DRINKING<br>WATER | CHANGE<br>ROOMS | EMERGENCY | TOTAL      |
|-----------------------------|------------|---------------------|---------------------|---------------------------|--------------------|-----------|-----------|----------------------|--------------|-----------------------|----------------------|-------------|-------------------|-----------------|-----------|------------|
| Manufacturing               | 5          | 7                   | 6                   | 4                         | 3                  | 10        | 5         | 6                    | 6            | 2                     | 1                    | 2           | 0                 | 0               | 1         | 58         |
| Construction                | 2          | 0                   | 2                   | 3                         | 0                  | 5         | 5         | 0                    | 1            | 1                     | 1                    | 0           | 0                 | 0               | 0         | 20         |
| Textile & Apparel           | 2          | 2                   | 3                   | 3                         | 0                  | 2         | 2         | 2                    | 1            | 1                     | 3                    | 0           | 0                 | 0               | 2         | 23         |
| Engineering                 | 14         | 6                   | 13                  | 6                         | 2                  | 9         | 11        | 3                    | 0            | 10                    | 1                    | 0           | 1                 | 2               | 1         | 79         |
| Distribution                | 5          | 0                   | 5                   | 0                         | 0                  | 0         | 4         | 0                    | 2            | 2                     | 1                    | 0           | 0                 | 0               | 1         | 20         |
| Banking Institutions        | 1          | 0                   | 2                   | 1                         | 0                  | 0         | 1         | 2                    | 0            | 0                     | 1                    | 2           | 0                 | 0               | 2         | 12         |
| Forestry                    | 12         | 6                   | 12                  | 9                         | 0                  | 18        | 12        | 1                    | 0            | 11                    | 5                    | 1           | 4                 | 0               | 0         | 91         |
| Agriculture                 | 4          | 1                   | 0                   | 2                         | 1                  | 3         | 3         | 0                    | 0            | 2                     | 2                    | 0           | 0                 | 0               | 0         | 18         |
| Government                  | 2          | 0                   | 1                   | 1                         | 0                  | 1         | 2         | 1                    | 1            | 0                     | 1                    | 1           | 0                 | 0               | 0         | 11         |
| Hospitality                 | 1          | 0                   | 1                   | 1                         | 0                  | 1         | 1         | 1                    | 0            | 0                     | 1                    | 0           | 0                 | 1               | 0         | 8          |
| Services                    | 0          | 0                   | 0                   | 0                         | 0                  | 0         | 0         | 0                    | 0            | 0                     | 0                    | 0           | 0                 | 0               | 0         | 0          |
| <b>GRAND TOTAL</b>          | <b>48</b>  | <b>22</b>           | <b>45</b>           | <b>30</b>                 | <b>6</b>           | <b>48</b> | <b>46</b> | <b>16</b>            | <b>11</b>    | <b>29</b>             | <b>17</b>            | <b>6</b>    | <b>5</b>          | <b>3</b>        | <b>7</b>  | <b>340</b> |

*Source: Records provided by OSH Inspectorate Unit*

### 3.2 Enforcement Powers of Minerals and Mines Department's Inspectorate Unit

Inspectors in the Minerals and Mines Department's Inspectorate Unit have been conferred with various powers by the Acts of Parliament they enforce to enable them ensure that good safety and health practices are adhered to in the mining sector.

- (i) Section 3 of the Mines, Works and Machinery Act confers upon the Minister powers to designate public officers to be inspectors of mines and machinery for carrying into effect the provisions of the Act. The following are some of the main powers conferred upon inspectors by the Act:
  - Under Section 4 of the Act, the exercise of supervision of all mines and works and machinery is conferred upon the commissioner of mines and, subject to the directions of the commissioner, upon inspectors of mines and inspectors of machinery.
  - Section 12 empowers the inspector to hold an enquiry if an accident occurs at a mine or works causing or resulting in loss of life, or injury to any person involving incapacity to work for a period of fourteen days or more.
  - In Section 13 of the Act, the inspector is empowered to hold an enquiry if he or she has reason to believe that any provision of the Act or the regulations thereunder has been contravened.
  - Under Section 14(1) of the Act, the inspector is given power to summarily demand payment of a fine not exceeding ten emalangeneni if he or she is satisfied after suitable investigation, that any person has committed an offence against the regulations or against the rules made by a mine manager.
  - Section 15 of the Act gives the inspector of mines power to enter upon any mine or works and inspect or examine it or any part thereof or any machinery thereon at any hour of the day or night as long as the inspector's action does not impede or obstruct the working of the mine or the carrying on of the works.
  - To enable inspectors carry out their work with confidence and without undue fear, Section 20 of the Act states that "No action or other legal proceedings whatsoever, civil or criminal shall be instituted in any court against the commissioner (of mines) or other officer or any person acting under his authority for or on account of or in respect of anything done in good faith and done or purported to be done in the execution of his duty under this Act."
- (ii) Section 3 of the Act empowers the Minister to appoint one or more persons to be an inspector of explosives for the purpose of issuing or granting licences, certificates, permits and permission required by the Act. Some of the specific powers conferred upon inspectors under the Explosives Act include the following:

**DRAFT NATIONAL PROFILE OF OCCUPATIONAL SAFETY AND HEALTH IN THE KINGDOM OF ESWATINI**

- Section 6 of the Act empowers the inspector of mines or explosives to hold an inquiry into any contravention against the Act when he or she has reason to believe that there has been one.
- Under Section 7(1) of the Act an inspector is empowered to summarily demand payment of a fine not exceeding ten emalangeneni if he or she is satisfied after suitable investigation that any person has committed an offence against the regulations established under the Act.

**3.2.1 Number of Mining Enterprises Covered by Minerals and Mines Inspectorate Unit****3.2.1.1 Number of Mining Enterprises in Formal Sector**

Eswatini's formal mining sector has two (2) mines (one coal mine and one gold mine) and six (6) quarries where aggregates used in the construction sector are mined. Four of the six quarries are run on a commercial basis and are in constant production while the other two only come into production as and when the owners have construction projects to execute.

**3.2.1.2 Number of Mining Enterprises in Informal Sector**

The informal sector in the mining industry, in Eswatini, for the large part comprises micro and small scale miners of building sand for individual, private construction projects – mostly housing. The number of players in the sector is not known because the large majority of operators are not registered.

**3.2.2 Number and Types of Inspections Carried out by Minerals and Mines Inspectorate Unit per Year****3.2.2.1 Number and Types of Inspections Carried out in Formal Sector**

The types of inspections carried out by the Minerals and Mines Department's Inspectorate Unit in the formal mining sector over the last few years include: inspections of electrical installations; inspections of mechanical installations; inspections of mobile plant and vehicles; examination and certification of mining winder drivers, mine hoists, lifting appliances, pressure generating equipment and drilling tools; examination and certification of specialized machine operators; authorization of magazines inspections of storage magazines and blasting sites.

The Minerals and Mines Department's Inspectorate Unit has not published reports of its inspections and other work for several years. Consequently, statistics are not readily available to indicate the numbers of the various inspections carried out over the past years.

### 3.2.2.2 Number and Types of Inspections Carried out in Informal Sector

The Minerals and Mines Department's Inspectorate Unit has not carried out notable inspections in the informal sector over the past several years due to resource limitations. This has been further compounded by the lack of coordination and organisation among informal sector miners to facilitate information dissemination to the sector.

### 3.2.3 Number and Types of OSH Violations per Year

According to the Minerals and Mines Department's Inspectorate Unit, the most common violations encountered in the mining sector include inappropriate disposal or destruction of commercial explosives and inappropriate and/or inadequate PPE. Statistics regarding the violations are not available due to the non-publication of progress reports.

## 4 CONSULTATION, COORDINATION AND COLLABORATION MECHANISMS

### 4.1 At National Level

Eswatini has a mechanism at national level for ensuring consultation, coordination and collaboration among social partners and other stakeholders in the implementation and management of OSH. This mechanism is through the Tripartite Advisory Technical Committee for Occupational Safety and Health, otherwise known as the Experts Committee. The establishment of the Committee is provided for under Section 19(1) of the Act which states, “The Minister shall set up a tripartite advisory technical committee of experts (hereinafter referred to as the Experts Committee) for occupational safety and health in an advisory capacity to the Labour Advisory Board.”

#### 4.1.1 Functions of Tripartite Advisory Technical Committee for Occupational Safety and Health

The main functions of the Experts Committee, as outlined under Section 19(2) of the Occupational Safety and Health Act, are itemized in Box No. 4.1 below.

**Box 4.1: Functions of Tripartite Advisory Technical Committee for Occupational Safety and Health**

- Collect information on standards of occupational safety and health in all branches of economic activities and propose national standards.
- Coordinate legislation in occupational safety and health at national level.
- Recommend formulation and review of the national policy on occupational safety and health.
- Advise the Labour Advisory Board which in turn advises the Minister on the formulation of standards and guidance notes for the purpose of assisting employers and employees to create and maintain an acceptable standard of occupational safety and health.
- Perform any other functions assigned to it by the Labour Advisory Board.
- Conduct research if it deems it necessary.
- Submit advice and recommendations to the Labour Advisory Board and copy the same.

**Source:** *The Occupational Safety and Health Act, No. 9 of 2001*

#### 4.1.2 Composition of Experts Committee

Section 20 of the OSH Act states that the Minister of Labour and Social Security, in consultation with the Labour Advisory Board, shall appoint for a term not exceeding three years the members of the Experts Committee. Composition of the Experts Committee is tripartite in nature, drawing membership from government and organisations representing employers and employees. The Act stipulates that members of the Experts Committee shall include the following:

- (i) The Chief Inspector who serves as the Chairman;
- (ii) An occupational health specialist from the Department of Labour;
- (iii) A senior labour officer from the Workmen's Compensation Division in the Department of Labour;
- (iv) A representative from each of the following:
  - (a) Ministry responsible for Health matters;
  - (b) Geological Survey and Mines Department;
  - (c) Environmental Authority;
  - (d) Fire and Emergency Services Department;
  - (e) Ministry of Agriculture (Pesticides);
  - (f) Ministry of Works and Transport;
  - (g) Ministry of Housing and Urban Development;
- (v) Two persons nominated by the employees' federations.
- (vi) Two persons nominated by the employers' federations.
- (vii) Any other persons (not more than two persons) the Minister, in consultation with the Commissioner, may deem necessary to serve on the Committee.

### 4.2 At Enterprise Level

Mechanisms for consultation, coordination and collaboration on OSH matters at enterprise level have been provided for under Part IV, Sections 13 to 18, of the Occupational Safety and Health Act. The mechanisms provided are on a bipartite, employer/employee, basis and take two forms – Safety and Health Representatives and Safety and Health Committees.

#### 4.2.1 Safety and Health Representatives

Section 14 of the Act requires that employees elect at least one safety and health representative who shall, after introduction to the employer, assume the duties assigned to him or her in the Act. The Act further states that “in a workplace which comprises of departments, every department

with five or more employees shall be entitled to at least one safety and health representative elected by the employees in that department.” In the case of a workplace where there are no departments, the Act states that “employees shall be entitled to at least one safety and health representative elected by the employees of that workplace.”

To ensure that safety and health representatives carry out their duties without fear of reprisals or victimization, Section 14(6) of the Act has provided that “A safety and health representative shall not incur any civil liability by reason only of the fact that the safety and health representative failed to do anything which that safety and health representative may or is required to do in terms of this Act.”

Functions of the Safety and Health Representatives as outlined in Section 15 of the OSH Act are indicated in Box 4.2 below:

**Box 4.2: Functions of Safety and Health Representatives**

- Identify potential hazards.
- In collaboration with the employer, investigate the cause of accidents at the workplace.
- Inspect the workplace including plant, machinery, substance, with a view to ascertaining the safety and health of employees provided that the employer is informed about the purpose of the inspection.
- Accompany an inspector whilst that inspector is carrying out the inspector’s duties at the workplace.
- Attend meetings of the safety and health committee to which that safety and health representative is a member.
- Make recommendations to the employer in respect of safety and health matters affecting employees, through a safety and health committee.
- Where there is no safety and health committee, the safety and health representatives shall make recommendations directly to the employer in respect of any safety and health matters affecting the employees.

*Source: The Occupational Health and Safety Act, No. 9 of 2001*

#### 4.2.2 Safety and Health Committees

The main mechanism by which consultation, coordination and collaboration on OSH matters is carried out at the enterprise is through safety and health committees. This is a requirement of Section 16 of the Act which requires employers in workplaces with twenty or more employees to set up at least one functioning safety and health committee.

The Act requires that the safety and health committee be composed of an equal number of representatives from both management and employees. The Act further stipulates that

management shall be responsible for the appointment of its representatives on the Committee while employees shall be responsible for the appointment of the employees' representatives.

The functions of the Safety and Health Committee as outlined in Section 17 of the Occupational Safety and Health Act are indicated in Box 4.3 below:

**Box 4.3: Functions of Safety and Health Committees**

- Discuss matters affecting the health and safety of persons at a workplace or any section thereof for which the committee has been established.
- Make recommendations to the employer or, where the recommendations fail to resolve the matter, to the Chief Inspector regarding any matter affecting the safety and health of persons at a workplace or any section thereof for which such a committee has been established.
- Discuss any incident at a workplace or a section thereof in which or in consequence of which any person was injured, became ill or died, and may in writing report the incident to the Chief Inspector, and may perform such other functions as may be prescribed.
- Keep record of recommendations made to an employer and any report made to the Chief inspector.

**Source:** *The Occupational Health and Safety Act, No. 9 of 2001*

## 5 NATIONAL REVIEW MECHANISMS

The Labour Advisory Board, established under Section 23 of Part III of the Industrial Relations Act, 2000, has the overall responsibility of reviewing policies, legislation, standards, procedures and actions relating to employment or industrial relations. Its duties as outlined in Section 24(1)(c)(vi) include monitoring the implementation of OSH standards.

On matters of OSH, the Labour Advisory Board acts on the basis of advice and recommendations from the Tripartite Advisory Technical Committee for Occupational Safety and Health. This Experts Committee, established under Section 19 of the OSH Act for purposes of providing advice on OSH matters to the Labour Advisory Board, is responsible for initiating the review of policies, legislation, standards, procedures and actions relating to OSH.

During the validation of the National Profile of OSH for the Kingdom of Eswatini, stakeholders expressed concern with the time it was taking for recommendations of the Tripartite Advisory Technical Committee for Occupational Safety and Health to be acted upon. It is the considered view of most stakeholders that the process of submitting the Experts Committee's recommendations to the Minister through the Labour Advisory Board contributes significantly to delays in having the Experts Committee's recommendations acted upon. In this regard, stakeholders are of the view that the Experts Committee's recommendations should be sent directly to the Minister if the review process of OSH in the country is to be efficient and effective.

Details regarding stakeholders' recommendations on the workings of the Experts Committee and its relationship to the Labour Advisory Board are outlined under Section 19.3.

## 6 TRAINING, INFORMATION AND ADVISORY SERVICES AND MECHANISMS

### 6.1 OSH Training and Educational Institutions

There are various institutions that offer OSH and OSH-related training programmes in Eswatini. These may be categorized into:

- Formal, public and private educational institutions;
- Non-governmental organisations such as the Baphalali Eswatini Red Cross Society (BERCS) which not only offers first-aid training to communities but also offers tailor made first-aid training to industry.
- Government entities such as the Fire Emergency Services Department which offers training and education to minimise the risk and impact of fire.
- Private Consultancy firms most of which are affiliated to SHERQ Forum, an association of practitioners in safety, health, environment, risk and quality.

### 6.2 Institutions/Mechanisms for Producing and Disseminating OSH Information

The main means of disseminating information on OSH at the moment is during inspections and through the Eswatini Broadcasting Services which hosts the Ministry of Labour and Social Security from 08:00 to 09:00 hours every Monday. Though the programme is meant to cover all aspects that the Ministry is mandated to oversee, issues of OSH are also tabled whenever there is need to disseminate information to the public. On an annual basis the MoLSS, in conjunction with social partners, produces and disseminates information on OSH through the print media during celebrations to mark the 'World Day for Safety and Health at Work.'

The SHERQ Forum produces and disseminates OSH information through various events which it holds such as conferences.

### 6.3 OSH Advisory Services and Mechanisms

There are various consultancy firms and individuals that offer OSH advisory services including establishment of OSH management systems and OSH auditing. Some of these firms and individuals are members of the SHERQ Forum, a voluntary association of practitioners in safety, health, environment, risk and quality. SHERQ Forum being a voluntary rather than regulatory body does not regulate the quality of services offered by its members. However, SHERQ Forum has been running activities aimed at improving the quality of services offered by its members.

During the validation of the National Profile of OSH for the Kingdom of Eswatini, most stakeholders advocated for MoLSS to put in place a mechanism of verifying the quality of the services offered by OSH consultancy firms and individuals in the country.

## 7 OCCUPATIONAL HEALTH SERVICES

Eswatini established two Occupational Health Service Centres at the Raleigh Fitkin Memorial (RFM) Hospital, in Manzini, and at Hlathikhulu Hospital in Hlathikhulu in 2017. At inception the primary purpose of the Centers was to provide medical support and occupational health assessment to former miners who, till then, had to travel to South Africa to undergo occupational assessments for purposes of compensation (Swazi Observer, 16/06/2017). The Centers, formed under the auspices of the 'TB in the Mining Sector Southern Africa' (TIMS) Project, have a data centre linked to the South African Compensation Fund. This data link enables the Centres to process claims of former miners after carrying out medical examinations on them. The Centres subsequently send the claims to the South African Compensation Fund for further processing and payment of claims.

During the opening of the Center at RFM in 2017, Government urged the Center's management to expand its scope and provide services to the wider body of employers to ensure a safe and healthy working environment in the country. Presently, the Centres offer medical examinations, health promotion and counselling to patients, as well as referrals to other medical specialists.

## 8 OSH LABORATORIES

The country currently does not have specialized OSH laboratories. Both the Occupational Safety and Health Inspectorate Unit and the Minerals and Mines Department's Inspectorate Unit do not have laboratories to assist them in determining the exposure of workers to occupational hazards such as dust, toxic gases, noise and extremes of temperature.

The Occupational Safety and Health Inspectorate Unit has a few pieces of occupational hygiene monitoring equipment. However, the lack of a dedicated occupational hygiene laboratory has rendered the equipment inoperable. Provision of an occupational hygiene laboratory and subjection of staff to continuous professional development programmes in occupational hygiene is necessary to enhance the OSH Inspectorate Unit's performance.

The Minerals and Mines Department's Inspectorate Unit relies on occupational hygiene tests carried out by the mines' laboratories for its decision making. However, the inspectorate and other stakeholders are cognizant of the fact that the test results sent by the mines' laboratories may in some cases lack objectivity. It is therefore necessary that the Minerals and Mines Department's Inspectorate Unit is empowered with the necessary occupational hygiene monitoring equipment, a laboratory and relevant training for its staff.

## 9 SOCIAL SECURITY, INSURANCE SCHEMES AND COMPENSATION SERVICES

Eswatini does not have a workers' compensation state insurance fund to provide insurance to employers and workers against occupational injuries and diseases. To bridge this gap, Government through Section 25(1) of the Workmen's Compensation Act requires every employer, other than Government, who employs a workman or workmen to insure or keep himself insured in respect of all liability which the employer may incur under the Act. The Section proceeds to state that the employer shall insure "with such insures as the Minister may approve in regulations." Government, through the Workmen's Compensation (Insurance) Regulations, 1983, which form part of the subsidiary legislation under the Workmen's Compensation Act, No. 7 of 1998, appointed the Eswatini Royal Insurance Corporation to be the sole provider of cover against occupational injuries and diseases to employers.

The Workmen's Compensation Unit, under the Ministry of Labour and Social Security's Department of Social Security, has legal oversight on workers' compensation insurance. Functions of the Workmen's Compensation Unit are outlined in Box 9.1 below.

### **Box 9.1: Functions of Workmen's Compensation Unit**

- Registration of all reported injuries on duty cases.
- Computation of Workmen's Compensation.
- Serving as Secretariat of the Workmen Compensation and Pneumoconiosis Medical Board.
- Locating dependents of deceased workmen.
- Resolving Workmen's Compensation disputes.
- Educate people on the application of the Workmen Compensation Act.

*Source: The Workmen's Compensation Act, No.7 of 1983*

## 10 EDUCATIONAL, TRAINING AND AWARENESS RAISING STRUCTURES

### 10.1 University and College Courses Related to OSH

#### 10.1.1 University of Eswatini

University of Eswatini, the country's leading public university, offers a Bachelor of Science Programme in Environmental Health which gives students the option of majoring in occupational health and safety. The Programme, offered by the University's Department of Environmental Health Science, under the Faculty of Health Sciences, includes the following courses under the occupational health and safety major:

- Introduction to Environmental Toxicology;
- Industrial Hygiene Aspect of Plant Operation;
- Air Sampling and Analysis;
- Risk Assessment, Management and Communication;
- Acoustics and Health; and
- Instrumental Methods for Environmental Analysis.

#### 10.1.2 Good Shepherd College

Good Shepherd College, a higher institution of learning based in the town of Siteki, Lubombo Region, offers a full-time diploma course in occupational safety and health. The course duration is three years, broken into six semesters.

#### 10.1.3 Institute of Development Management

The Institute of Development Management (IDM) has a presence in Botswana, Eswatini and Lesotho. It is a private, higher institution of learning whose campus is based in Mbabane, in Eswatini. The Institute, through its Faculty of Public Health Management, offers both a Bachelor of Science Degree and a Diploma programme in Occupational Health and Safety. The duration of the degree programme and the mode of study is by block release. The diploma programme, on the other hand, takes two years to complete on a full-time basis and three years on a part-time.

The course content of the diploma programme offered by IDM includes:

- OHS Legislation;
- How to Develop OHS Loss Control Programmes;
- How to conduct audits of existing OHS and environmental programmes;
- How to Design and Deliver Effective OHS Training Programmes for Workers.

## 10.2 Training Structures Run by Employers' and Workers' Organisations

### 10.2.1 Training Structures Run by Employers' Organisations

Business Eswatini (BE) runs in-house training programmes and seminars for its members. Some of the training programmes the Federation runs are focused on OSH. Most of the time, the Federation draws upon the expertise of its members in affiliate organisations as resource persons to help run the training programmes.

### 10.2.2 Training Structures Run by Workers' Organisations

The Federation of Eswatini Trade Unions (FESWATU) and the Trade Union Congress of Eswatini (TUCOSWA) rarely run training programmes on OSH for their members. However, TUCOSWA has given priority to OSH by placing it directly under the office of its Second Vice President. To help it have a systematic approach to various labour issues, TUCOSWA has developed training modules addressing various thematic areas of labour. However, the Union is yet to develop modules on OSH.

## 10.3 Institutions Offering Recognised training for OSH Specialists

There is no institution that offers recognized training for OSH specialists such as occupational health medicine, occupational health nursing, safety engineering, industrial hygiene etc.

As far as continuous professional development (CPDs) courses in OSH are concerned, there are a few institutions that offer such courses. One such institution is NOSA, a South African headquartered company which has been offering training and consultancy services in occupational risk management within the Southern African Region for several years. The training programmes offered by NOSA are recognized by industry in Eswatini.

## 10.4 National Safety Councils and Associations

The SHERQ Forum is the most prominent association dealing with OSH issues in Eswatini. It is a voluntary body that promotes the exchange of information and experiences on safety, health, environment, risk and quality among its members. The forum has also made efforts to raise public awareness through both online and print media such as the Times of Eswatini and the Eswatini Observer.

Membership of SHERQ Forum is drawn from students pursuing courses related to the issues the association deals with, practitioners in industry and corporate bodies. The source of financing for the organisation's activities is mostly from membership fees and corporate bodies.

## 11 SPECIALISED TECHNICAL, MEDICAL AND SCIENTIFIC INSTITUTIONS

### 11.1 Existing Poison Control Centres

Currently, Eswatini does not have any poison control center. Further, there are no discernible plans to establish one in the near future. Though the country does not have a poison control centre, it has something akin to it known as the Eswatini Anti-venom Foundation.

The Eswatini Anti-venom Foundation is a not-for-profit organisation whose objectives include the following;

- To increase public awareness of snakes and snakebite prevention;
- To safeguard the supply of safe, effective and economical anti venom;
- To develop tools to measure the incidence and impact of snakebite in the community;
- To support research and audits into snakebites;
- To advocate for resources and education around snakebites;
- To provide advisory services to clinicians treating snakebites; and
- To provide a repository of ant-venom stocks and other resources and knowledge on the subject.

To fulfill its objectives, the organisation carries out various activities including: managing stocks of anti-venom; holding an annual snakebite symposium; advocating for victims of snakebites through engagement with health providers, venom manufacturers, funders; training snake handlers how to safely remove both venomous and non-venomous snakes; maintaining treatment guidelines and protocols; and training clinicians.

The organisation's work is in tandem with the objective of the World Health Organisation (WHO) to develop a comprehensive plan meant to support countries in implementing measures for increased access to effective treatment to people who get bitten by venomous snakes. Agricultural workers in particular are very vulnerable to snakebites.

### 11.2 Standards Bodies

The Eswatini Standards Authority (SWASA) is the national standards body with the mandate of overseeing the development of technical standards in the country. It is a statutory body that was established by an Act of Parliament, the Standards and Quality Act of 2003, to serve as the national standards organization of the Kingdom of Eswatini.

SWASA's stated mission is "to promote quality principles and facilitate the use of standards to reduce technical barriers to trade and investment and ensure a sustainable Eswatini economy and

safeguard the nation's safety, health and environment." Its functions are itemized in Box 11.1 below.

**Box 11.1: Functions of Eswatini Standards Authority**

- Promote standards and quality in industry, commerce and the public sector.
- Provide facilities for testing and calibrating precision instruments, gauges and scientific apparatus, to determine their degree of accuracy in comparison with standards approved by the Minister on the recommendation of the Council, and for the issuance of certificates in regards thereto.
- Arrange or provide facilities for examining and testing of locally manufactured or imported commodities, products and materials including food and drugs and any material or substance from or with which and the manner in which they may be manufactured, produced, processed or treated.
- Operate and control, in accordance with the Act, the use of certification marks and distinctive marks.
- Prepare, frame, modify or amend standards relating to structures, commodities, products, materials, practices and operations and administer schemes based thereon;
- Encourage or undertake educational work in connection with standardization and quality.
- Assist the Government or any local authority or other public body or any other person in the preparation and framing of any standards and technical regulations.
- Cooperate with the Government or the representatives of any industry or with any local authority or other public body or any other person, in order to secure the adoption and practical application of standards and technical regulations.
- At the request of the Minister or Government, and on behalf of the Government, test locally manufactured and imported commodities to determine whether they comply with this Act, or any technical regulations.
- Establish and maintain libraries and supply guidance and information for the purpose of furthering standardization and quality.
- Charge such fees for any services rendered as may be prescribed by the Minister on the recommendation of the Council.
- Obtain membership of and participate in activities of national, regional, or international bodies having objects similar to any object of the Authority.
- Make arrangements for or accredit laboratories and control schemes with regard to laboratories so accredited.
- Make arrangements for or assess quality systems and control the registration of systems so assessed

- Make arrangements for or assess the competence of and accredit quality practitioners.
- At the request of any person, and whether or not for reward, carry out or cause to be carried out any study, examination or test in respect of any particular class of commodity, or commodities of different makes, brands, or standards whether or not such commodities are produced in Swaziland; and
- Upon payment of such fees as the Minister may prescribe, issue reports on any study, examination or test carried out under paragraph (p) and may impose conditions as to the use to be made of such reports and conditions prohibiting, restricting or requiring the publication of or other disclosure of any information contained therein; do all such things as are necessary for, incidental or conducive to, the attainment of the objects of this Act.

*Source: Standards and Quality Act, 2003*

### 11.3 Institutions Specialised in Risk Assessment Relating to Chemical Safety

The Kingdom of Eswatini does not have institutions specialized in carrying out risk assessment focused on chemical safety.

### 11.4 Emergency Preparedness Services

The National Disaster Management Department (NDMD) under the Deputy Prime Minister's Office has the overall responsibility for ensuring that the country is adequately prepared to deal with disastrous emergencies that may arise. Whereas the NDMD provides overall policy direction with regards to the handling of disasters, the operational aspect is carried out through the National Disaster Management Agency (NDMA) which works with Non-Governmental Organisations and development partners that have the shared mandate of preventing and reducing the impact of disasters by promoting an integrated and coordinated system of disaster management with the purpose of decreasing vulnerability and increasing preparedness and mitigation capacity.

The objectives of NDMD include the following:

- Strengthen Disaster Risk Reduction Governance and legal and institutional framework at all levels;
- Identify and monitor national risks, enhance early warning systems, and establish disaster risk reduction programming;
- Strengthen research, information, and knowledge management on disaster risk management; and
- Promote disaster risk reduction as a national priority and strengthen its coordination.

### 11.5 NGOs Dealing with OSH or Related Activities

SHERQ forum is the only prominent non-governmental organisation engaged in activities directly related to OSH at present.

Among NGOs dealing with OSH-related issues, the most prominent is the Baphalali Eswatini Red Cross Society, established through the Baphalali Swaziland Red Cross Act of Parliament in 1970. It is a voluntary aid society and a humanitarian organisation affiliated to the international Red Cross and Red Crescent Movement. The services the Society offers include disaster management, first-aid, health and care and humanitarian aid. Where first-aid is concerned, the society has extended its services to industry where it offers tailor made first-aid training programmes.

## 12 OVERALL NATIONAL LEVEL OF HUMAN RESOURCES ACTIVE IN THE AREA OF OSH

The human resource personnel dealing with issues of OSH in Eswatini is as indicated in table 21.1 below.

**Table 12.1: Categories of human resource dealing with OSH issues**

| CATEGORY                             | NUMBER OF REGISTERED PRACTITIONERS | NUMBER OF ACTIVE PRACTITIONERS |
|--------------------------------------|------------------------------------|--------------------------------|
| OSH Inspectors                       | 5                                  | 5                              |
| Occupational Health Physicians       | -                                  | -                              |
| Occupational Health Nurses           | -                                  | -                              |
| Occupational Hygiene Specialists     | -                                  | -                              |
| Safety Engineers and Technicians     | 6                                  | 6                              |
| Environmental Protection Specialists | -                                  | -                              |
| SHERQ Auditors                       | -                                  | -                              |

**Source:** Author's compilation from records at OSH Inspectorate Unit and Minerals and Mines Department

The only readily available information on the number of human resources dealing with OSH is that found in the OSH Inspectorate Unit and the Mines Inspectorate Unit. The OSH Inspectorate Unit falls under the Labour Department in the Ministry of Labour and Social Security while the Mines Inspectorate Unit falls under the Minerals and Mines Department in the Ministry of Natural Resources and Energy.

The total number of OSH inspectors in the country, including the Chief Inspector of Factories, stands at five. The minimum entry qualification for those employed as OSH inspectors in the OSH Inspectorate Unit is a Bachelor of Science Degree.

The total number of Engineers and Technicians dealing with issues of safety and health in the mines stands at six. This number includes three mining engineers, one explosives engineer, one explosives technical officer, and one mining technician.

The numbers of other OSH practitioners in the country are not readily available due to a lack of requirement for the registration of such professions. SHERQ Forum, a voluntary organisation of safety, health, environment, risk and quality practitioners has five OSH auditing companies registered with it. In addition, it also has 30 individual practitioners on its books.

## 13 STATISTICS OF OCCUPATIONAL ACCIDENTS AND DISEASES

### 13.1 Existing Mechanisms for Recording and Notification of Occupational Accidents and Diseases

The Occupational Safety and Health Act and the Workmen's Compensation Act are the paramount pieces of legislation that regulate the mechanisms by which the recording and notification of occupational accidents is to be carried out in Eswatini. Details regarding the mechanisms are given below.

#### 13.1.1 Existing Mechanisms for Recording and Notification of Occupational Accidents

The mechanisms for the recording and notification of occupational accidents as spelt out under Sections 28(1) and 28(2) of the OSH Act are respectively stipulated as follows:

“If any accident in a workplace causes loss of life or prevents any person from continuing that person's normal activities for three days or more, or causes an injury likely to cause a permanent defect, or a dangerous or harmful occurrence which shall or is likely to cause death, serious injury which may or may not cause a permanent defect, the occupier, employer or contractor, as the case may be, shall immediately and as expeditiously as possible notify the inspector thereof and not later than seven days deliver a report, written in the prescribed form in the First Schedule, to the inspector.”

“All accidents whether minor or major related to employment to a workplace shall be recorded by the occupier, employer or contractor, as the case may be, in a register kept for that purpose.”

Sections 19(1) and 19(2) of the Workmen's Compensation Act, No. 7 of 1983, respectively state the following:

“If an accident occurs which results in the death of a workman or in any injury which would entitle him to compensation under this Act, a report in the prescribed form shall be given to the Labour Commissioner by the Employer within seven days of receiving notice of the accident or of the first day of absence from work if later.”

“In the event of the death of a workman occurring after a report of accident to such workman has been given under sub-section (1), the Labour Commissioner shall be informed by the employer in writing of the death and of the date thereof.”

Articles 9 and 10 of the Workmen's Compensation Regulations, 1983, respectively stipulate the following with regards to reports of occupational accidents and distribution of the said reports:

“The report of an employment accident which an employer is required to give under Section 19(1) of the Act shall be made on a serially numbered report form preprinted in pads in the form prescribed in part 5 of the Schedule and obtainable from the Revenue Office.”

“The pads shall provide for four copies of each notice of which the first copy shall be sent to the Labour Commissioner and one second copy to the Factories Inspector. The third copy shall be for the purpose of supporting a claim against the employer’s insurers and the fourth copy shall be retained by the employer for a period of five years from the date of the accident.”

Considering all the legal and administrative procedures together, the mechanism for the recording and notification of reportable occupational accidents is as follows:

- (i) The employer immediately and as expeditiously as possible notifies the inspector of the accident.
- (ii) The employer enters details of the accident in the prescribed form and not later than seven days from the date of the accident sends the report to the following:

- (a) The Chief Inspector of Factories – OSH Inspectorate Unit

This, according to Section 30 of the Occupational Safety and Health Act, is for purposes of allowing the Chief Inspector of Factories to carry out an investigation or inquiry if need be.

- (b) The Labour Commissioner – Labour Department, Workmen’s Compensation Unit

According to Section 19(3) of the Workmen’s Compensation Act, this is for purposes of allowing the Labour Commissioner to make such investigations as he may think fit if it appears to him that there may be a genuine case regarding a claim for compensation. And where a case for compensation has been established, the Labour Commissioner then carries out an assessment to determine the amount of compensation due to the victim.

- (c) The Managing Director – Eswatini Royal Insurance Corporation (ESRIC)

The report sent to ESRIC is for its notification. Where a case for compensation has been determined by the Labour Commissioner and an assessment has been made by his office, ESRIC’s Claims Department also carries out its own assessment to ensure that the assessed amount is within justifiable limits.

- (d) Medical Practitioner

The report sent to the medical practitioner is for purposes of carrying out medical examinations to assist in determining the degree of incapacity or disablement.

- (e) The Employer

The employer is required to retain a copy of the report for record purposes for a period of five years from the date of the accident.

- (iii) Apart from retaining a copy of the occupational accident referred to in (i) above, the employer is required to record details of the accident in a register kept for that purpose.

### 13.1.2 Existing Mechanisms for Recording and Notification of Occupational Diseases

According to the OSH Inspectorate Unit, identifying and picking up cases of occupational diseases has proved to be a challenge due to lack of expertise such as specialists in occupational medicine. Notwithstanding this, the Occupational Safety and Health Act under Section 32(1) and 32(2) respectively provides for the following means of notification of occupational diseases:

“If any person who works or has worked in any workplace is certified by a medical practitioner to be suffering from an industrial or occupational disease which appears to be due to the nature of that person’s employment or activity, the employer concerned shall notify an inspector thereof and in the prescribed form in the First Schedule, unless the industrial or occupational disease has been or is being notified under the Workmen’s Compensation Act, No. 7 of 1983.”

“Notwithstanding the provisions of any other law, a medical practitioner required to make a report under this section shall do so within reasonable time and in any event not later than three months from the date of the examination of that employee or patient.”

### 13.2 National List of Occupational Diseases

Section 36(2) of the Workmen’s Compensation Act has given power to a Medical Board set up by the Minister to make a Schedule of occupational diseases. The First Schedule under the Act, given below, provides a list of diseases considered occupational.

**Table 13.1: Schedule of Occupational Diseases under the Workmen’s Compensation Act, No. 7 of 1983**

| S/N | DESCRIPTION OF DISEASE                             | DESCRIPTION OF OCCUPATION                                                                                                                                                                                                                                             |
|-----|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | Ankylostomiasis (Hookworm)                         | Mining carried on underground.                                                                                                                                                                                                                                        |
| 2.  | Anthrax                                            | Work in connection with animals infected with anthrax. Handling of animal carcasses including hides, hoofs and horns.<br><br>Loading and unloading or transport of merchandise which may have been contaminated by animals or animal carcasses infected with anthrax. |
| 3.  | Diseases caused by arsenic or its toxic compounds  | Any work involving exposure to the risk concerned.                                                                                                                                                                                                                    |
| 4.  | Diseases caused by benzene or its toxic homologues | Any work involving exposure to the risk concerned.                                                                                                                                                                                                                    |

|     |                                                                                                                                                     |                                                                                                                            |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| 5.  | Diseases caused by nitro- or amino-toxic derivatives of benzene or its homologues                                                                   | Any work involving exposure to the risk concerned.                                                                         |
| 6.  | Diseases caused by chrome or its toxic compounds                                                                                                    | Any work involving exposure to the risk concerned.                                                                         |
| 7.  | Cyanide rash                                                                                                                                        | Any work involving the handling or use of cyanide.                                                                         |
| 8.  | Dermatitis due to dust, liquids or other external agents present in the specific process or processes of the occupation.                            | Exposure to dust, liquid or vapour or any other external agent capable of irritating the skin, including friction or heat. |
| 9.  | Diseases caused by the toxic halogen derivatives of hydro-carbons of the aliphatic series.                                                          | Any work involving exposure to the risk concerned..                                                                        |
| 10. | Diseases caused by lead or its toxic compounds                                                                                                      | Any work involving exposure to the risk concerned.                                                                         |
| 11. | Diseases caused by mercury or its toxic compounds                                                                                                   | Any work involving exposure to the risk concerned.                                                                         |
| 12. | Diseases caused by manganese or its toxic compounds                                                                                                 | Any work involving exposure to the risk concerned.                                                                         |
| 13. | Pathological manifestations due to radium or other radio-active substances or X-Rays                                                                | Any work involving exposure to the risk concerned.                                                                         |
| 14. | Diseases caused by phosphorus or its toxic compounds                                                                                                | Any work involving exposure to the risk concerned.                                                                         |
| 15. | Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil or paraffin or the compounds or residues of these substances. | Any work involving exposure to the risk concerned.                                                                         |
| 16. | Bagassosis                                                                                                                                          | Any work involving the handling or processing of sugar cane or its preparations or compounds.                              |
| 17. | Diseases caused by vibration (disorders of muscles, joints, tendons, bones, peripheral nerves or blood vessels)                                     | Any work involving exposure to the risk concerned.                                                                         |

|     |                                                                                                |                                                    |
|-----|------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 18. | Skin diseases caused by physical, chemical or biological agents not included under other items | Any work involving exposure to the risk concerned. |
| 19. | Lung cancer or mesotheliomas caused by asbestosis                                              | Any work involving exposure to the risk concerned. |
| 20. | Broncho-pulmonary diseases caused by cotton, flax, hemp or sisal dust (byssinosis)             | Any work involving exposure to the risk concerned. |
| 21. | Hearing impairment caused by noise                                                             | Any work involving exposure to the risk concerned. |
| 22. | Diseases caused by chemical substances used in agriculture not included under other items      | Any work involving exposure to the risk concerned. |

**Source:** *Workmen's Compensation Act, No.7 of 1983*

### 13.3 Number of Occupational Injuries per Year

The OSH Inspectorate Unit has had challenges in collating, producing and publishing accident reports due to various factors including human resource constraints as accident reports have to be sorted out manually to collect the data for analysis. In this vein, the Unit has not been able to release statistics of occupational accidents and diseases for several years.

The only entity that has made some noticeable efforts in producing statistics of occupational accidents and diseases is the Workmen's Compensation Unit which, like the OSH Inspectorate Unit, is under the Labour Department. The Workmen's Compensation Unit produced some statistics of occupational accidents and diseases in 2017 and 2018. Besides the statistics produced in 2017 and 2018, no other statistics were produced in the last five years.

#### 13.3.1 Accidents Reports Received by Region of the Country

According to the 2017 Annual Performance Report of the Workmen's Compensation Unit, the nation recorded a total of 1,217 accident-related injury reports during the year under consideration. The Region of Manzini, host to the country's commercial and industrial centre – the City of Manzini, recorded the highest number of reports during the year under consideration, totaling 530. This was followed by the regions of Hhohho (404), Lubombo (212) and Shiselweni (71) in that order.

**Table 13.2: Accident Reports Received by Region of the Country, 2017**

| REGION             | NUMBER OF ACCIDENT-RELATED INJURY REPORTS RECEIVED |
|--------------------|----------------------------------------------------|
| HHOHHO             | 404                                                |
| MANZINI            | 530                                                |
| LUBOMBO            | 212                                                |
| SHISELWENI         | 71                                                 |
| <b>GRAND TOTAL</b> | <b>1,217</b>                                       |

*Source: 2017 Annual Performance Report of Workmen's Compensation Unit*

### 13.3.2 Accident Classification by Type of Industry

The 2017 Annual Performance Report of the Workmen's Compensation Unit indicates that the Manufacturing and Processing Sector recorded the highest number of occupational accidents during the year under review standing at 237. This was only followed by the Building and Construction Sector which recorded 195 reports. Tied in third were the Road Transportation Sector and the Textile and Apparel Sector with each recording 37 reports.

The lowest number of recorded reports of accidents were in the Funeral Undertakers' Sector with zero, followed by the Pre-Schools and Day Care Centres (1) and the Mining and Quarrying Sector (3). Table 13.3 below gives a detailed breakdown of the accident-related injury reports received during 2017.

**Table 13.3: Accident Classification by Type of Industry , 2017**

| INDUSTRY                         | TOTAL       |
|----------------------------------|-------------|
| Agriculture                      | 85          |
| Building and Construction        | 195         |
| Financial Institutions           | 12          |
| Forestry                         | 81          |
| Funeral Undertakers              | 0           |
| Government                       | 42          |
| Hotel, Accommodation, Fast Foods | 14          |
| Manufacturing and Processing     | 237         |
| Mining and Quarrying             | 3           |
| Motor Engineering                | 39          |
| Pre-schools and Day Care Centres | 1           |
| Retail , Hairdressing, Wholesale | 57          |
| Road Transportations             | 137         |
| Security Services                | 56          |
| Textile and Apparel              | 137         |
| Others                           | 121         |
| <b>GRAND TOTAL</b>               | <b>1217</b> |

**Source:** 2017 Annual Report of Workmen's Compensation Unit

In 2018, the trend in the number of accident-related injury reports was as indicated below in Table 13.4. Highest recorded: Textile and Apparel (539); Others (322); Manufacturing and Processing (237); Parastatals (226); Building and Construction (204); and Agriculture (155). The following were the sectors that recorded the lowest number of reports: Mining and Quarrying (17); Forestry (28); Motor Engineering (33).

**Table 13.4: Accident Classification by Type of Industry, 2018**

| INDUSTRY                         | TOTAL       |
|----------------------------------|-------------|
| Agriculture                      | 155         |
| Building and Construction        | 204         |
| Financial Institutions           | 39          |
| Forestry                         | 28          |
| Government                       | 83          |
| Parastals                        | 226         |
| Hotel, Accommodation, Fast Foods | 53          |
| Manufacturing and Processing     | 237         |
| Mining and Quarrying             | 17          |
| Motor Engineering                | 33          |
| Retail , Hairdressing, Wholesale | 77          |
| Road Transportations             | 38          |
| Security Services                | 48          |
| Textile and Apparel              | 539         |
| Others                           | 322         |
| <b>GRAND TOTAL</b>               | <b>2099</b> |

*Source: Ministry of Labour and Social Security's 2018 Annual Performance Report to Parliament*

### 13.3.3 Comparison of Records of Accident Reports Received in 2017 and 2018

The collated accident reports released by MOLSS in 2017 and 2018 had some inconsistencies which have to be addressed in future reports. The most notable inconsistencies include:

- In 2017 the total number of recorded industrial sectors was 16 while in 2018 the number of industrial sectors was 15.
- In 2017 there were two industrial sectors which did not feature in the 2018 data and these were 'Funeral Undertakers' and 'Pre-schools and Day Care Centres.'
- The 2018 data designated 'Parastatals' as an industrial sector whereas this category was not reflected in 2017.

In view of the above, the comparison of accident reports from 2017 to 2018 only considers industrial sectors that are common to both years.

Comparing the number of accident reports received within each sector on a year-to-year basis, the highest increase was in the Textile and Apparel Sector which recorded an upward increase of 402 reports. This was followed by Others (201), Agriculture (70) and Government (41). The highest reductions were in the Road Transportation Sector at 99, followed by the Forestry Sector at 53.

**Table 13.5: Accident Classification by Type of Industry from 2017 to 2018**

| INDUSTRY                         | 2017 | 2018 | DIFFERENCE IN NO. OF ACCIDENTS FROM 2017-2018 |
|----------------------------------|------|------|-----------------------------------------------|
| Agriculture                      | 85   | 155  | 70                                            |
| Building and Construction        | 195  | 204  | 9                                             |
| Financial Institutions           | 12   | 39   | 27                                            |
| Forestry                         | 81   | 28   | (53)                                          |
| Government                       | 42   | 83   | 41                                            |
| Hotel, Accommodation, Fast Foods | 14   | 53   | 39                                            |
| Manufacturing and Processing     | 237  | 237  | 0                                             |
| Mining and Quarrying             | 3    | 17   | 14                                            |
| Motor Engineering                | 39   | 33   | (6)                                           |
| Retail , Hairdressing, Wholesale | 57   | 77   | 20                                            |
| Road Transportations             | 137  | 38   | (99)                                          |
| Security Services                | 56   | 48   | (8)                                           |
| Textile and Apparel              | 137  | 539  | 402                                           |
| Others                           | 121  | 322  | 201                                           |

**Source:** Author's compilation based on the 2017 Annual Report of the Workmen's Compensation Unit and the Ministry of Labour and Social Security's 2018 Annual Performance Report to Parliament

### 13.3.4 Accident Classification by Cause of Accident/Injury and Nature of Accident, 2017

Of the 1,217 accidents reported in 2017, 24 were fatal and 1193 were non-fatal. The largest number of accidents was caused by moving machinery which accounted for 359 accidents (1 fatal and 358 non-fatal). The next highest causal factor was falling persons accounting for a total of 225 accidents comprising 3 fatal accidents and 222 non-fatal accidents. Road Transport accounted for the highest number of fatalities with 12 out of a total of 112 recorded accident-related injury reports. Though Electricity/Chemicals/Gases, at 25, caused the lowest total number of accidents, the fatalities, standing at 3, were relatively high.

**Table 13.6: Accident Classification by Cause of Accident/Injury and Nature of Accident, 2017**

| CAUSE OF ACCIDENT/INJURY      | NATURE OF ACCIDENT |             | TOTAL       |
|-------------------------------|--------------------|-------------|-------------|
|                               | FATAL              | NON-FATAL   |             |
| Electricity/ Chemicals/ Gases | 3                  | 22          | 25          |
| Falling Persons               | 3                  | 222         | 225         |
| Falling / Flying Objects      | 1                  | 102         | 103         |
| Hand tools                    | 0                  | 104         | 104         |
| Lifting / Carrying            | 0                  | 30          | 30          |
| Moving Machinery              | 1                  | 358         | 359         |
| Sharp Objects                 | 2                  | 126         | 128         |
| Road Transport                | 12                 | 101         | 113         |
| Others                        | 2                  | 128         | 130         |
| <b>GRAND TOTAL</b>            | <b>24</b>          | <b>1193</b> | <b>1217</b> |

*Source: 2017 Annual Report of Workmen's Compensation Unit*

### 13.3.5 Accident Classification by Industry and Part of Body Injured

In 2017, parts of the body that incurred most injuries starting from the highest were lower limbs accounting for a total of 403 recorded accidents. These were followed by upper limbs with 376 recorded accidents and 147 neck and head injuries.

During the year under consideration, the Road Transport, Manufacturing and Processing and Building and Construction sectors recorded the highest number of head and neck injuries which respectively stood at 34, 33 and 32. The highest recording of injuries to upper limbs was in Manufacturing and Processing sector (87), Building and Construction sector (62) and Others (47). Injuries to lower limbs was most prevalent in the Manufacturing and Processing sector (76),

Textile and Apparel sector (75), Road Transportation sector (53) and Building and Construction sector (45). Details of the number of accidents recoded with regards to injuries to various body parts per sector are given in Table 13.7 below.

**Table 13.7: Accident Classification by Industry and Part of Body Injured, 2017**

| INDUSTRY                         | PART OF BODY INJURED |            |           |            |            | TOTAL       |
|----------------------------------|----------------------|------------|-----------|------------|------------|-------------|
|                                  | HEAD & NECK          | UPPER LIMB | TRUNK     | LOWER LIMB | MULTIPLE   |             |
| Agriculture                      | 6                    | 28         | 0         | 27         | 24         | 85          |
| Building and Construction        | 32                   | 62         | 2         | 45         | 54         | 195         |
| Financial Institutions           | 3                    | 4          | 0         | 5          | 0          | 12          |
| Forestry                         | 6                    | 13         | 3         | 18         | 41         | 81          |
| Funeral Undertakers              | 0                    | 0          | 0         | 0          | 0          | 0           |
| Government                       | 1                    | 10         | 1         | 10         | 20         | 42          |
| Hotel, Accommodation, Fast Foods | 0                    | 7          | 0         | 7          | 0          | 14          |
| Manufacturing and Processing     | 33                   | 87         | 6         | 76         | 35         | 237         |
| Mining and Quarrying             | 0                    | 3          | 0         | 0          | 0          | 3           |
| Motor Engineering                | 0                    | 11         | 0         | 28         | 0          | 39          |
| Pre-schools and Day Care Centres | 0                    | 0          | 0         | 0          | 1          | 1           |
| Retail , Hairdressing, Wholesale | 2                    | 12         | 1         | 23         | 19         | 57          |
| Road Transportations             | 34                   | 37         | 1         | 53         | 12         | 137         |
| Security Services                | 12                   | 32         | 0         | 1          | 11         | 56          |
| Textile and Apparel              | 5                    | 23         | 5         | 75         | 32         | 137         |
| Others                           | 13                   | 47         | 7         | 35         | 19         | 121         |
| <b>GRAND TOTAL</b>               | <b>147</b>           | <b>376</b> | <b>26</b> | <b>403</b> | <b>268</b> | <b>1217</b> |

*Source: 2017 Annual Report of Workmen's Compensation Unit*

### 13.3.6 Conformity of Eswatini System of Recording and Notification of Occupational Accidents and Diseases with ILO Code of Practice

The manner in which statistics of occupational accidents and diseases are generated in Eswatini is quite consistent with the provisions of the ILO Code of Practice on the Recording and Notification of Occupational Accidents and Diseases. However, there are some areas where improvements ought to be made to bring the country's system into closer alignment with the ILO Code of Practice.

#### 13.3.6.1 Areas of Conformity with ILO Code of Practice

Areas where the country's system is in compliance with the ILO Code include the following:

- Specification of occupational accidents, occupational diseases, commuting accidents and dangerous occurrences be notified. Specifications are provided in Sections 28 and 32 of the Occupational Safety and Health Act and Section 4 of the Workmen's Compensation Act.
- Legal requirement for employers to notify competent authority of occupational accidents and diseases. Section 28(1) of Occupational Safety and Health Act refers.
- Legal requirement for employers to establish and maintain records on occupational accidents and occupational diseases, provided for under Section 28(2) of Occupational Safety and Health Act.
- Legal prescription of list of occupational diseases by the competent authority. This is provided for in the First Schedule of the Workmen's Compensation Act.
- Legal requirement for classification of information on occupational accidents and occupational diseases kept as records at the enterprise level into economic activity, occupation, employment status, type of accident etc. The First Schedule under the Occupational Safety and Health Act prescribes the classification of information.

#### 13.3.6.2 Areas Lacking Conformity with ILO Code of Practice

Aspects of Eswatini's system of Recording and Notification of Occupational Accidents and Diseases that need improvement for it to be in accord with the ILO's international Code of Practice include:

- Compilation and publication, at least once every year, of statistics of occupational accidents, occupational diseases, commuting accidents and dangerous occurrences, on the basis of the information notified to the competent authority.
- Extension of obligations on reporting, recording and notification of occupational accidents, occupational diseases, dangerous occurrences and incidents to self-employed persons.

- Inclusion of the sex of victims of occupational accidents and occupational diseases in accident statistics generated by the competent authority.
- Regular review of the prescribed list of occupational diseases.
- Spreading awareness of the prescribed list of occupational diseases to physicians, health services, insurance institutions, employers and workers, and their representative organizations.

## 14 POLICIES AND PROGRAMMES OF EMPLOYERS' AND WORKERS' ORGANISATIONS

### 14.1 Employers' Organisations

There are two main employers' associations in Eswatini, namely Business Eswatini (BE) and the Federation of Eswatini Business Community (FESBC).

#### 14.1.1 Business Eswatini

According to information on its website, Business Eswatini “is a voluntary, non-profit making organisation representing employers and businesses in all sectors of the Eswatini economy to promote trade and harmonious labour relations.” The organisation's stated mission is twofold: to advocate, represent and deliver useful services to members; and to engage with stakeholders to influence policy for a conducive business environment. Most corporate business organisations in the country are affiliated to Business Eswatini.

One of the two Vice Presidents of the Executive Committee of Business Eswatini is responsible for Industrial Relations and Social Policy and it is in this office where OSH issues are housed.

##### 14.1.1.1 OSH Policy Statement

Although Business Eswatini does not have a policy on occupational safety and health, it has been advocating for its members to comply with the labour laws of the land including the Occupational Safety and Health Act. To this effect, a good number of its corporate members have developed OSH policies and have also put OSH management systems in place. In the recent past, some of the organisation's members have gotten certification for ISO 45001:2018 Occupational Health and Safety Management Systems.

In the past, Business Eswatini ran some training courses on OSH in conjunction with the International Training Centre (ITC) of the ILO. One of the courses it organized in conjunction with ITC focused on: OSH prevention policies for businesses; the role of management in OSH; and types of strategies and approaches to OSH that could be adopted by a company.

##### 14.1.1.2 Structure for Policy Implementation

The Department of Industrial Relations and Social Policy, in the organisation's Secretariat, runs training and awareness-raising programmes for members in order to promote the development and implementation of OSH policies and other good corporate governance practices. The actual development and implementation of OSH policies is left to individual member organisations.

#### 14.1.1.3 Training and Awareness-Raising Programmes

Business Eswatini, through the Industrial Relations and Social Policy Department of its Secretariat, runs several training and awareness-raising programmes on labour matters for its members. Some of the training and awareness-raising programmes with a bearing on OSH include the Annual Labour Law Seminar, Collective Bargaining and Joint Negotiations Skills and Dignity of Work. The programmes are twofold in nature: generic programmes catering to a broad audience of its members; and in-house, tailor made programmes for individual institutional members.

#### 14.1.1.4 OSH Elements in Collective Bargaining

Business Eswatini is endowed with a rich human resource base with expertise in OSH and related issues. However, this has not been fully utilized to entrench OSH issues in the collective bargaining process which currently focusses more on working conditions to the detriment of working environment issues including OSH.

#### 14.1.1.5 Participation in National Tripartite Dialogue

Business Eswatini participates in national tripartite dialogue through representation on the Labour Advisory Board and the Tripartite Advisory Technical Committee for Occupational Safety and Health. On its website, however, the only stated tripartite body through which it participates in national tripartite dialogue is the Labour Advisory Body. To give visibility to OSH issues and accord them the importance they deserve, it is essential to start by acknowledging that the Tripartite Advisory Technical Committee for Occupational Safety and Health is one of the two legally established entities, along with the LAB, through which Business Eswatini participates in national tripartite dialogue.

### 14.1.2 Federation of Eswatini Business Community (FESBC)

The Federation of Eswatini Business Community (FESBC) is an employers' federation whose members are owners and operators of local businesses spread across various sectors of the economy. FESBC mostly draws its membership from the informal sector and micro, small and medium-sized enterprises (MSMEs) owned by women, youth and people living with disabilities. Among its many objectives, some of the most prominent ones include the following:

- To promote and defend the general business interests of all its members in all such ways as may be considered necessary or desirable;
- To work for the maintenance of good labour relations between employer and employee and acceptable conditions of employment for both employer and employee; and

- To request and advocate the views and policies of the Federation concerning legislative and other matters affecting the interests of the Federation members, including matters of public policy and public administration.

#### 14.1.2.1 OSH Policy Statement

FESBC does not have a policy, let alone guidelines on OSH for its members.

#### 14.1.2.2 Structure for Policy Implementation

Policy implementation in FESBC is carried out by its Executive Committee which is supposed to report on an annual basis to the Annual General Meeting of the organisation.

#### 14.1.2.3 Training and Awareness-Raising Programmes

Currently, FESBC does not carry out any training or awareness-raising programmes on OSH due to capacity limitations including human resource and logistics, among others.

#### 14.1.2.4 OSH Elements in Collective Bargaining

FESBC rarely takes part in the collective bargaining process. The very few occasions when it has participated in collective bargaining has been at the invitation of the concerned parties. Its role on this matter has been rather more in an advisory capacity.

#### 14.1.2.5 Participation in National Tripartite Dialogue

As one of the two recognized employers' federations in the country, FESBC participates in national tripartite dialogue on OSH matters by serving on the Tripartite Advisory Technical Committee for Occupational Safety and Health. However, feedback from members who serve on the Experts Committee to the Secretariat has not been consistent and adequate. Information sharing is therefore one area in which the organisation will have to improve in order to better serve the interests of its members.

### 14.2 Workers' Organisations

Eswatini has two trade union Centres, namely the Federation of Eswatini Trade Unions (FESWATU) and the Trade Union Congress of Swaziland (TUCOSWA).

#### 14.2.1 OSH Policy Statement

Neither FESWATU nor TUCOSWA has its own institutional policies on OSH. Instead, they have both been relying directly on the Occupational Safety and Health Act to assist them in

dealing with OSH issues. Notwithstanding their reliance on the Occupational Safety and Health Act in providing OSH-related services to their members, both institutions contend that there is need to train more trade union representatives in OSH in order to enhance cooperation with OSH inspectors and give more effect to the implementation of the provisions of the Act.

#### 14.2.2 Structure for Policy Implementation

Despite not having an OSH policy, TUCOSWA has given recognition and visibility to OSH by placing it directly under the Office of its Second Vice President.

FESWATU does not have an Office dedicated to dealing with OSH in its organisational structure. However, the Federation is currently reviewing this position and intends to give more attention to OSH issues in the immediate future.

#### 14.2.3 Training and Awareness-Raising Programmes

Currently there are no OSH training and awareness raising programmes being run by either FESWATU or TUCOSWA. However, TUCOSWA has developed some training modules on various subjects that have some bearing on OSH such as discrimination in the workplace and gender equality.

What both trade union federations require is some capacity building on OSH through programmes such as training of trainers (TOT) to enable them carry out trainings, awareness-raising and advocacy among their members and other stakeholders

#### 14.2.4 OSH Elements in Collective Bargaining

Neither FESWATU nor TUCOSWA has given sufficient attention to OSH issues in their collective bargaining processes with employers. They have rather paid more attention to issues pertaining to working conditions such as wages, hours of work, leave days etc.

TUCOSWA's approach to the collective bargaining process has been informed by training modules it has developed for its members. Notable among these are modules on discrimination and gender equality.

#### 14.2.5 Participation in National Tripartite Dialogue

Both FESWATU and TUCOSWA have been active participants in the national tripartite dialogue on the broader labour issues through the Labour Advisory Board, and on OSH through the Tripartite Advisory Technical Committee for Occupational Safety and Health.

Apart from participating in national tripartite dialogue through the legally established tripartite bodies, both FESWATU and TUCOSWA have been part of the country's tripartite approach in responding to queries raised by the ILO's Committee of Experts on the application of

Conventions and Recommendations (CEACR) in its reports. Whenever queries are sent to Government by CEACR on the application of International Labour Standards (ILS), MOLSS sends the reports to the two trade union federations requesting for their inputs. Further, these reports are often tabled in the Labour Advisory Board for discussions. Furthermore, to ensure that there is capacity to adequately respond to issues raised concerning the ILS, the trade unions have had some of their members trained on how to address queries relating to ILS.

### 14.3 Associations of Informal Economy Workers or Units

Currently, Eswatini does not have an umbrella organisation to represent the interests of workers in the informal economy. Consequently, workers in the informal economy are vulnerable to exposure to safety and health risk factors associated with their work. To cater for this group of workers, umbrella trade union bodies could consider coming up with strategies to help bring this group of workers under some representative body.

## 15 REGULAR AND ONGOING ACTIVITIES RELATED TO OSH

### 15.1 National Activities Designed to Improve Prevention and Protection

There are currently several ongoing national initiatives designed to prevent occupational accidents and diseases and to protect workers and members of the general public from adverse safety and health conditions arising from work-related activities. Most of these activities centre on enhancement of the policy and legislative infrastructure. Notable work that has reached advanced stages includes the following:

- Development of National Social Security Policy;
- Development of Workplace Wellness Policy;
- Development of Safety and Health Regulations for the Construction sector;
- Development of Safety and Health Regulations for the mining sector.

### 15.2 National Initiatives Designed to Raise Awareness about OSH

National initiatives to raise awareness about OSH issues are carried out by the Occupational Safety and Health Inspectorate Unit only during the annual commemoration of the World Day for Safety and Health at Work in April, and also during the annual holding of the trade fair. These routine events are, however, not sufficient to generate the awareness that is needed to enlist the buy-in of key stakeholders into matters of occupational safety and health.

### 15.3 Industrial Initiatives Designed to Promote and Improve OSH

Various individual industrial organisations have been developing initiatives and implementing activities aimed at promoting and improving safety in their organisations. Organisations such as Eswatini Railway, Inyatsi Construction Group Holding (Pty) Ltd and Royal Swaziland Sugar Corporation have acquired certification for ISO 45,001:2018 which specifies requirements for an Occupational Health and Safety Management System.

Apart from promoting and improving safety and health in their own organisations, various industrial organisations have also invested some of their resources in initiatives designed to improve the public awareness of OSH issues and get buy-in from key decision makers in government. To this effect several organisations in industry have been making contributions to the annual summit organized by SHERQ Forum to raise public awareness about issues related to safety, health, environment, risk and quality. Apart from supporting the annual summit, some organisations have also been supporting the day-to-day running of SHERQ Forum.

## 15.4 Other Noteworthy OSH Initiatives and Activities

The Eswatini Safety, Health, Environment, Risk and Quality Forum, otherwise known as SHERQ Forum, has been developing initiatives and implementing activities aimed at raising awareness about OSH in the general public. The organisation carries out awareness-raising activities on a quarterly and annual basis.

Apart from sensitizing and updating professionals about ongoing developments in the field of occupational safety and health as well as environment and quality, SHERQ Forum has also been engaging key decision makers in order to get buy-in into matters of safety, health, environment, risk and quality. To this effect, the organisation's 2017 Annual Summit was graced by the Honourable Minister of Labour and Social Security while the guest of honour for the 2019 summit was the Honourable Minister of Commerce, Industry and Trade. Topics discussed during the 2019 summit include behavioural safety, fatigue management and the Sexual Offences and Domestic Violence Act of 2018.

## 16 INTERNATIONAL COOPERATION

The Kingdom of Eswatini enjoys good working relationships with, and the support of, various international developmental partners. Current efforts being taken to promote and improve OSH and related issues with the support of international partners include the following:

- (i) Development of Mines Health and Safety Regulations with the support of the Commonwealth;
- (ii) Development of the Decent Work Country Programme with the support of the International Labour Organisation (ILO);
- (iii) Establishment of an employment injury insurance system through a Workers' Compensation Insurance Fund with the support of the International Labour Organisation (ILO);
- (iv) Development of a Social Security Policy with the assistance of the International Labour Organisation (ILO); and
- (v) Development of the Workplace Wellness Policy with the joint support of the International Labour Organisation (ILO) and World Health Organisation (WHO).

On the environmental front, Eswatini has worked with the following international development organisations to tackle its environmental challenges:

- United Nations Industrial Organisation (UNIDO) in addressing the challenges posed by persistent organic pollutants.
- United Nations Environment Programme (UNEP) in managing and phasing out the use of ozone depleting substances.

## 17 PROMOTION AND ELIMINATION PROGRAMMES

### 17.1 Elimination of Hazardous Child Labour

Section 29(1) of the Constitution of the Kingdom of Eswatini confers upon a child “the right to be protected from engaging in work that constitutes a threat to the health, education or development of that child.” The Children’s Protection and Welfare Act, No. 6 of 2012, elaborates further the rights and protection due to children. The Act’s stated objective is “to extend the provisions of Section 29 of the Constitution and other international instruments, protocols, standards and rules on the protection and welfare of children, the care, protection and maintenance of children; and to provide for matters incidental thereto.” Further, the Employment Act, No. 7 of 1980 as amended, also addresses issues relating to child labour.

It has to be noted that some forms of the worst forms of child labour have been criminalized under the Sexual Offences and Domestic Violence Act, No. 15 of 2018. Section 38 of the Act, for example criminalises the trafficking of a child to any part of the world for sexual purposes.

Over and above enactment of the pieces of legislation highlighted above for purposes of protecting children from child labour, including its hazardous forms, the country has concretised its efforts by ratifying ILO Convention 182 on the Worst Forms of Child Labour.

Eswatini is in the process of developing a programme of action for the period 2019-2024 aimed at eliminating child labour including its worst forms as outlined in the Worst Forms of Child Labour Convention. A lot of the worst forms of child labour which the programme hopes to tackle include hazardous child labour such as working in mines and in factories fraught with hazards.

Going forward, the challenge the country faces is to develop a list of activities considered hazardous to children. Drawing up such a list is challenging due to the thin line perceived to exist between child labour and child work. Going by the 2018 “Child Rights Barometer” Report produced by World Vision, the challenge is particularly due to traditional practices such as those that allow children aged 5 to 12 years to work in family owned farms and homesteads in the rural agricultural sector.

### 17.2 Elimination of Silicosis and Asbestos Diseases

Eswatini does not have any known programmes aimed at the elimination of silicosis and asbestos diseases. Despite this, it has to be noted that the small town of Bulembu located in the northwestern region of Hhohho once had a chrysotile (white asbestos) mine. The mine went into liquidation in 2001 leaving behind grey dumps of asbestos. Compared to the rehabilitated Msauli Asbestos Mine which is about 5km across the border in South Africa, no significant efforts have been made to rehabilitate Bulembu mine. Considering the latency period of asbestos-related conditions such as mesothelioma, the exposure of the town’s population to the asbestos dumps could pose serious health challenges to the population in future.

### 17.3 Elimination of Violence and Sexual Harassment at Work

There are no known national programmes aimed at the elimination of violence and sexual harassment at work in Eswatini. However, the enactment of the Sexual Offences and Domestic Violence Act (SODVA) in 2018 gave impetus to various stakeholders to take up the fight against violence and sexual harassment in general. One of the notable initiatives born out of the enactment of the Act was the 2019 meeting of officials from the justice sector and stakeholders who are active in the implementation of the Act.

Though no specific national initiatives aimed at addressing violence and sexual harassment at work can be pointed out, several private sector organisations such as Eswatini Electricity Company and Inyatsi Construction Group Holding (Pty) Ltd have in-house policies and programmes aimed at tackling work-related violence and sexual harassment. In the projects it executes, Eswatini Electricity Company makes it mandatory for all working on its projects, including contractors, to comply with its code of conduct (CoC) that is specific to gender-based violence, sexual exploitation and sexual harassment.

### 17.4 Elimination of POPs

Persistent Organic Pollutants (POPs) can lead to serious, negative environmental and health impacts including cancer, birth defects, dysfunctional immune system and neurological disorders. Sources of POPs are many and varied including industrial processes and open burning of waste. Because of the serious threat posed by POPs to the environment and Human Health, the international community crafted the Stockholm Convention on POPs and signed it in 2001. The Convention eventually came into effect in 2004.

Eswatini acceded to the Stockholm Convention on POPs on 13 January 2006. By so doing the country bound itself to the requirements of this international treaty to eliminate or restrict production, use and trade in POPs. In its efforts to address the concerns posed by POPs, the country produced an action plan known as 'The National Implementation Plan for the Management of Persistent Organic Pollutants (POPs) in the Kingdom of Swaziland' in November 2010.

### 17.5 Elimination of Drug Abuse

There are no known national programmes aimed at the elimination of drug abuse in the workplace in Eswatini. However, several programmes have in the past been carried out by NGOs such as the Council on Smoking, Alcohol and Drug Dependence (COSAD) and the Association of Students Against Drug Abuse and Trafficking (SADAT).

The knowledge and experience of organisations such as COSAD and SADAT could be valuable when it comes to the design and implementation of programmes aimed at eliminating drug abuse in the workplace and among youth workers respectively.

It should be noted that there is unregulated use of pain killers such as paracetamol and ibuprofen in many workplaces. These drugs are nearly always stocked in first-aid boxes in workplaces and are often dispensed and used in an unregulated manner.

## 17.6 Promotion of Well-Being Including Healthy Lifestyles and Stress Prevention

Though there is currently no known national programme aimed at promoting well-being including healthy lifestyles and the prevention of stress in the workplace, the country has a national programme that encourages mass participation in sport and physical activities for people of all ages and gender. The programme, called Shukuma, is the Eswatini National Sport and Recreational Council's flagship programme.

Individual enterprises have in place some initiatives and programmes aimed at promoting healthy lifestyles among their employees.

## 17.7 Programmes to Combat HIV/AIDS at the Workplace and Application of ILO Code of Practice on HIV/AIDS

Issues relating to HIV and AIDS at the workplace are addressed by the 'Code of Good Practice: HIV/AIDS in Employment.' This code of practice, patterned after the 'ILO Code of Practice on HIV/AIDS and the World of Work' was developed and published in terms of Section 109 of the Industrial Relations Act of 2000. In the Code, Government recognises the Human Immunodeficiency Virus (HIV) and the Acquired Immuno Deficiency Syndrome (AIDS) as serious public health problems which have socio-economic, employment and human rights implications. It further recognises that the HIV/AIDS pandemic affects every workplace with prolonged staff illness, absenteeism and death thus impacting on productivity, employee benefits, occupational health and safety, production costs and workplace morale.

The primary objective of the Code is to set out guidelines for employers, employees, trade unions and staff associations on how to implement HIV/AIDS programmes in the workplace so that individuals are not discriminated against.

The most prominent programmes aimed at combating HIV and AIDS are those run by the Eswatini Business Coalition on HIV and AIDS (SWABCHA). SWABCHA's stated vision is "To have a healthy worker and a healthy business." In this vein, the organisation brings together private sector companies, trade unions, government institutions, civil society and development partners to have a concerted and effective national response to challenges posed by HIV and AIDS. SWABCHA also assists individual businesses in developing and maintaining wellness programmes.

## 17.8 Programmes Promoting Gender Equality and Maternity Protection

The Kingdom of Eswatini has a National Gender Policy which came into being in 2010. In its problem statement, Government acknowledges that the “Swazi society is characterized by inequality between women and men in different areas.” It further goes on to recognise that reducing gender inequality is critical for improving access to wage employment and control over productive resources by vulnerable groups. The Government’s stated vision as outlined in the Policy is: “A Swaziland where women and men enjoy similar opportunities to participate in the sustainable national development of the country, and to co-exist, enjoying the benefits of gender equality and equity.”

Because of the seriousness attached by Government to gender issues, the National Gender Policy has been housed in the office of the Deputy Prime Minister.

Programmes focusing on gender and maternity protection are run by the Gender Consortium of NGOs affiliated to the Coordinating Assembly of NGOs (CANGO). The Gender Consortium partners with the Gender and Family Unit in the Office of the Deputy Prime Minister and the United Nations’ Gender Theme Group in implementing its programmes.

## 17.9 Programme for application of Globally Harmonised System (GHS) for classification and labelling of chemicals and Chemical Safety Data Sheet (CSDS)

Currently, Eswatini does not have a Programme for application of the “Globally Harmonised System (GHS) for Classification and Labelling of Chemicals and Chemical Safety Data Sheet (CSDS).” However, a partnership project being spearheaded by Eswatini Environment Authority has led to the development of a draft strategy aimed at implementing the GHS Programme.

## 17.10 Support mechanisms for a progressive improvement of occupational safety and health conditions especially for hazardous sectors or agents

### 17.10.1 Agricultural sector

There are no interventions of any significance aimed at addressing OSH challenges faced by the agricultural sector in Eswatini.

### 17.10.2 Chemicals

Eswatini is a party to several international conventions aimed at achieving sound management of chemicals. These conventions include: The Stockholm Convention on Persistent Organic Pollutants; the Rotterdam Convention of Prior Informed Consent Procedure for Certain Hazardous Pesticides and Chemicals in International Trade; and The Basel Convention on Trans-boundary Movement of Hazardous Waste.

According to Eswatini Environment Authority, the country is currently implementing a project aimed at creating an enabling environment for the implementation of sound management of chemicals in the country. Part of the focus of this project, being implemented with the technical assistance of the United Nations Institute for Research and Training, was to compile a national chemicals profile which would indicate the current status of chemicals management in the country. This National Chemicals Profile has since been finalized.

#### 17.10.3 Construction sector

The OSH Inspectorate Unit, in conjunction with the Construction Industry Council and other stakeholders is currently developing occupational safety and health regulations for the construction sector. The regulations have already been drafted and have since been subjected to the stakeholder validation process.

#### 17.10.4 Mining

The Minerals and Mines Department has commenced the development of occupational safety and health regulations for the sector. The Department is in the process of getting more stakeholder involvement in the development of the regulations in order to get buy-in.

#### 17.10.5 SMEs

The only noteworthy mechanism with the potential to improve OSH in the SME sector is through the Federation of Eswatini Business Community (FESBC), an umbrella organisation of MSMEs that serves on the Tripartite Advisory Technical Committee for Occupational Safety and Health.

#### 17.10.6 Informal Sector

There are no mechanisms aimed at addressing OSH issues in the informal sector currently. To reach out to this sector, it would be essential to engage their representative organisations such as the Coalition of Informal Economy Associations of Eswatini (CIEAES).

## 18 GENERAL COUNTRY DATA

### 18.1 Introduction

Eswatini is a landlocked country in the southern part of Africa bordered by Mozambique to the East and South Africa to the North, South and West. It has a total surface area of 17,364 km<sup>2</sup> covering approximately 193 km from North to South, and 145 km from East to West. The Capital City is Mbabane while Manzini is the commercial and industrial hub.

Eswatini is a constitutional monarchy currently governed by King Mswati III. Under the King is a public administration known as the Tinkhundla system. The country is divided into four administrative regions, namely Hhohho, Lubombo, Manzini and Shiselweni. Within each region are sub-divisions called Inkhundla. Each Inkhundla is made up of a grouping of chiefdoms called Umphakatsi. And within each chiefdom is a grouping of several smaller communities.

The Kingdom of Eswatini is largely homogeneous as it has a lot of linguistic and cultural unity. The majority of the population are ethnic Swati and SiSwati and English are the official languages.

### 18.2 Demographic Data

According to the 2017 report of the preliminary results of the Population of Housing and Census, the population of Eswatini is estimated to be around 1,093,238, comprising 531,111 males (48.6 percent) and 562,127 females (51.4%).

The population of Eswatini is very young with a median age of 21.7 years. As a percentage of the total population, the percentage distribution of the population by age group is as follows: 0-14 years age group, 35.6%; 15-64 years age group, 59.9%; and above 65 years age group, 4.5%.

#### 18.2.1 Total of Economically Active Population

##### 18.2.1.1 Working Age Population

According to the 2016 Integrated Labour Force Survey (ILFS) Report, Eswatini's working age population (aged 15 – 64) stands at 738,799. Of these, females comprise 399,446 accounting for 54.1% of the working age population. On the other hand, the figure for males stands at 339,353 persons translating into 45.9% of the working age population. The Report further states that those aged between 15 to 34 years comprise the majority of the working age population at 58%. Table 18.1 below gives a breakdown of the working age population by age group and sex.

**Table 18.1: Percentage Distribution of Working Age Population by Age Group and Sex**

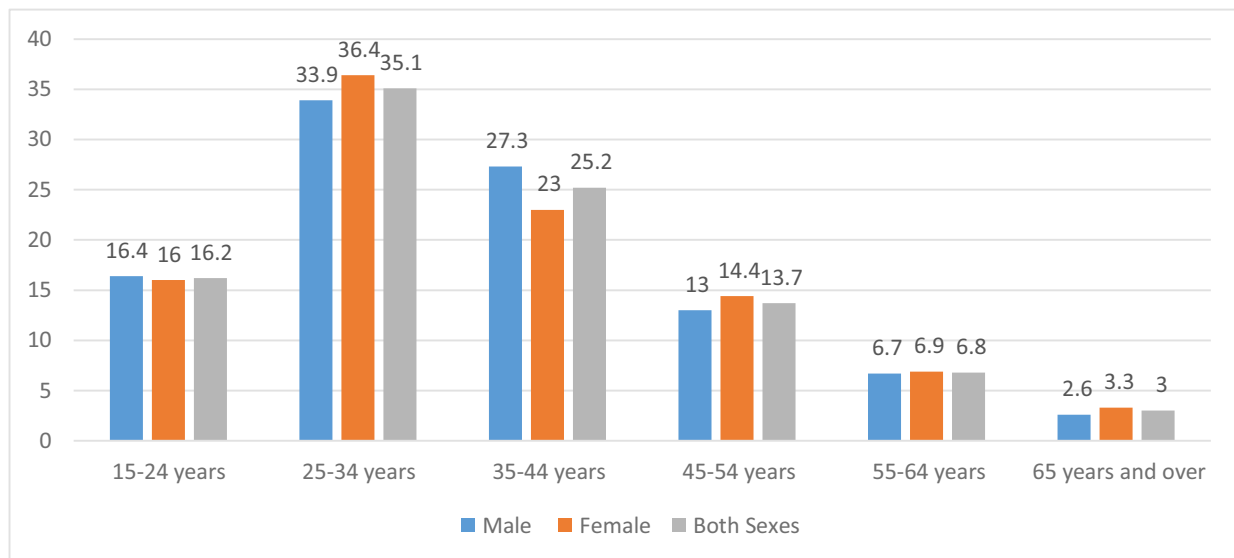
|                               | Sex     |         |            |
|-------------------------------|---------|---------|------------|
|                               | Male    | Female  | Both Sexes |
| <b>Working Age Population</b> | 339,353 | 399,446 | 738,799    |
| <b>Age Group</b>              |         |         |            |
| 15-24 years                   | 36.5    | 30.4    | 33.2       |
| 25-34 years                   | 23.7    | 25.5    | 24.7       |
| 35-44 years                   | 17.8    | 15.7    | 16.6       |
| 45-54 years                   | 9.0     | 11.1    | 10.2       |
| 55-64 years                   | 7.2     | 8.3     | 7.8        |
| 65 years and over             | 5.7     | 9.0     | 7.5        |
| <b>TOTAL</b>                  | 100.0   | 100.0   | 100.0      |

*Source: The Eswatini Integrated Labour Force Survey 2016 (ILFS)*

#### 18.2.1.2 Labour Force

The total Labour Force for the Kingdom of Eswatini is estimated at 373,869 accounting for 50.6% of the total working age population. Out of the total labour force, 188,246 (50.6%) are males while the remaining 185,623 (49.4%) are females.

In terms of age distribution of the labour force, the most active population is in the 25-34 years age group accounting for 35.1%. This is followed by the 35-44 years age group whose proportion is 25.2%. The proportion of those in the 15-24 years age group is 16.2%. Those aged 65 and above account for only 3% of the labour force. Figure 18.1 below graphically shows the percentage distribution of the labour force by sex and age.

**Figure 18.1: Percentage Distribution of Labour Force by Sex and Age**

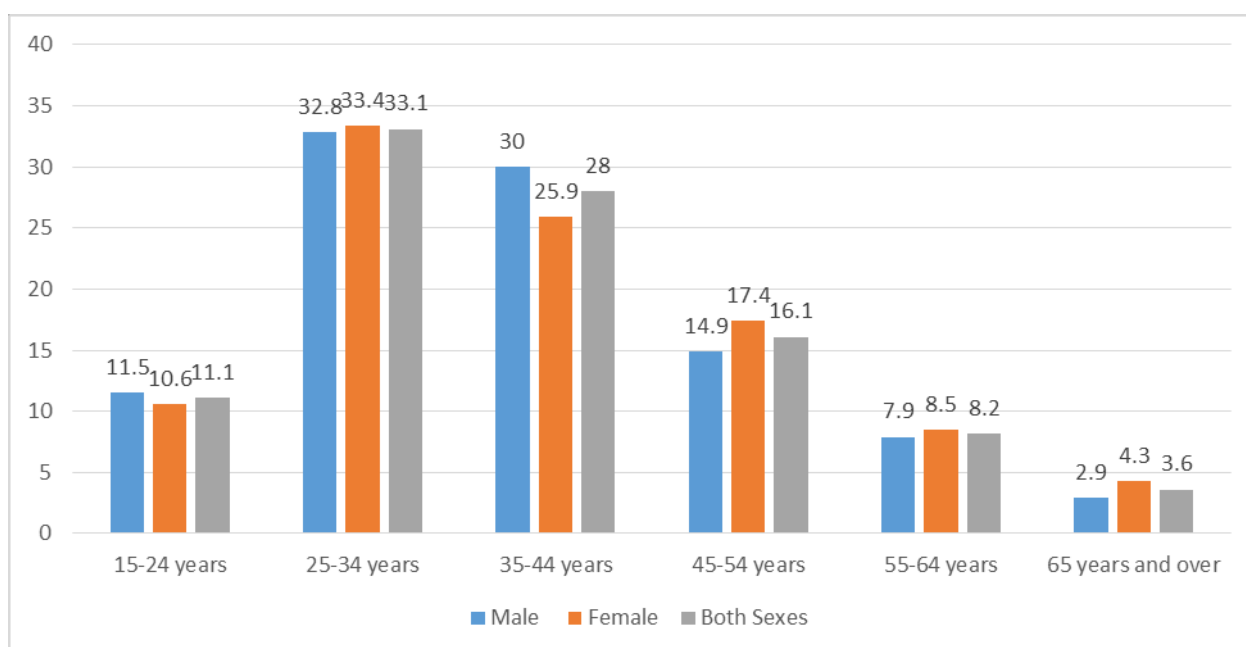
*Source: The Eswatini Integrated Labour Force Survey 2016 (ILFS)*

### 18.2.1.3 Employed Population

According to the 2016 Labour Force Survey Report, out of the total Labour Force of 738,799, only 288,044 persons are employed. At 148,389 employed persons, males account for 51.5% of the employed population. As for females the total number of employed persons is 1139,655 accounting for 48.5% of the employed population.

In terms of age distribution, the majority of the employed persons in Eswatini are youth (aged 15 to 34 years) who account for 44% of the employed population. The breakdown of employment figures with regards to classified age groups are as follows: 11.1% for 15-24 years; 33.1% for 25-34 years; 28% for 35-44 years; 8.2% for 55-64 years; and 3.6% for those aged 65 years and above. The graphical representation of the percentage distribution of the employed population by sex and age group is given in figure 18.2 below.

**Figure 18.2: Percentage Distribution of Employed Population by Sex and Age Group**



**Source:** The Eswatini Integrated Labour Force Survey 2016 (ILFS)

### 18.2.1.4 Percentage Estimate of Men, Women and Young Workers Employed in Various Sectors

The Eswatini ILFS of 2016 broadly classifies the country's economic sectors into four categories, namely, Agriculture, Industry, Services and a final one constituting all those that were Not Stated clearly. In Table 18.2 below, the largest proportion of the employed population is in the Services sector which accounts for 68.0%. The proportion of the number of persons in the other sectors is as follows: Industry - 16.7%; Agriculture - 12.9%; and Not Stated - 2.4%. Detailed breakdown of information into how the employment figures are distributed between males and females in the various sectors is shown in Table 18.2 below. The breakdown for youth (15-35 years) employment in various sectors is given in Table 18.3.

**Table 18.2: Distribution of Employed Population by Industry and Sex**

|                            | Sex            |                |                |
|----------------------------|----------------|----------------|----------------|
|                            | Male           | Female         | Both Sexes     |
| <b>Employed Population</b> | <b>148,389</b> | <b>139,655</b> | <b>288,044</b> |
| <b>Broad Sector</b>        |                |                |                |
| <b>Agriculture</b>         | 14.6           | 11.2           | 12.9           |
| <b>Industry</b>            | 13.4           | 20.2           | 16.7           |
| <b>Services</b>            | 69.4           | 66.5           | 68.0           |
| <b>Not Stated</b>          | 2.7            | 2.1            | 2.4            |
| <b>All Industries</b>      | <b>100.0</b>   | <b>100.0</b>   | <b>100.0</b>   |

*Source: The Eswatini Integrated Labour Force Survey 2016 (ILFS)*

**Table 18.3: Distribution of Employed Youth (15 - 35 years) by Industry**

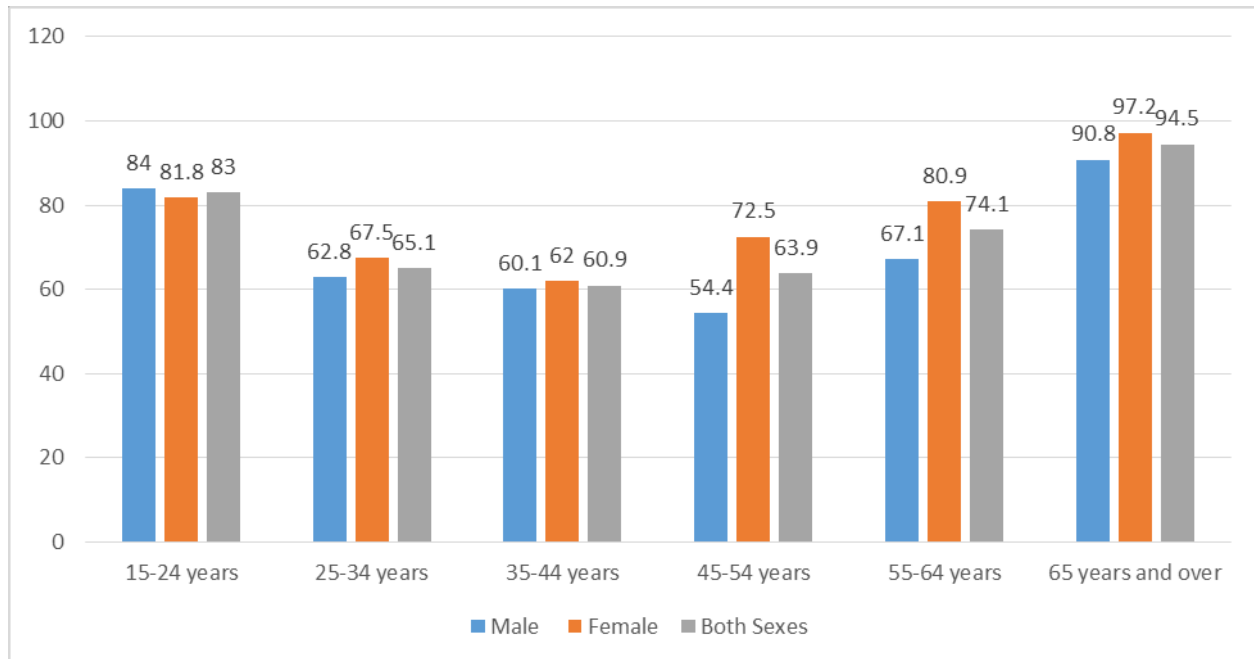
|                            | Sex           |               |                |
|----------------------------|---------------|---------------|----------------|
|                            | Male          | Female        | Both Sexes     |
| <b>Employed Population</b> | <b>72,264</b> | <b>65,611</b> | <b>137,875</b> |
| <b>Broad Sector</b>        |               |               |                |
| <b>Agriculture</b>         | 12.3          | 10.5          | 11.5           |
| <b>Industry</b>            | 12.9          | 19.2          | 15.9           |
| <b>Services</b>            | 72.5          | 67.7          | 70.2           |
| <b>Not Stated</b>          | 2.3           | 2.5           | 2.4            |
| <b>All Industries</b>      | <b>100.0</b>  | <b>100.0</b>  | <b>100.0</b>   |

*Source: The Eswatini Integrated Labour Force Survey 2016 (ILFS)*

From the figures in Table 18.3 above, it is evident that the majority of youth are employed in the Service sector which accounts for 70.2% of all youth employment. The trend is similar within both the male and female youth populations with 72.5% and 67.7% of their respective populations employed in the Service sector. Within the male youth population there is a marginal difference in the percentage employed in Industry (12.9%) and that employed in Agriculture (12.3%). Among female youth, however, there is a significant difference in terms of percentage employment in Industry (19.2%) and Agriculture (10.5%).

### 18.2.2 Percentage of Labour Force Considered to be Active in the Informal Economy

Out of total employment in the Kingdom of Eswatini, informal employment rate stands at 67.5% (ILFS, 2016). Of all employed females, 70.9% are in informal employment. Males on the other hand have an informal employment rate of 64.3%. In terms of age categories, those aged 65 years and above had the highest rate of informal employment at 94.5%. This category was followed by those in the 15-24 years age group with a rate of 83.0%. The full breakdown of informal employment by age group and sex is given in figure 18.3 below.

**Figure 18.3: Proportion of Informal Employment by Sex and Age Group**

**Source:** *The Eswatini Integrated Labour Force Survey 2016 (ILFS)*

According to the Labour Force Survey Report, the majority of the informally employed population is in the Service sector which accounts for 64.7%. This is followed by Industrial sector, Agriculture and the Not Stated sectors. Breakdown of this information into informal employment by sex and industry is given in Table 18.4 below.

**Table 18.4: Percentage of Informally Employed Population by Sex and Sector**

|                                       | Sex           |               |                |
|---------------------------------------|---------------|---------------|----------------|
|                                       | Male          | Female        | Both Sexes     |
| <b>Informally Employed Population</b> | <b>95,468</b> | <b>98,949</b> | <b>194,417</b> |
| <b>Broad Sector</b>                   |               |               |                |
| <b>Agriculture</b>                    | 17.0          | 12.3          | 14.6           |
| <b>Industry</b>                       | 12.2          | 21.8          | 17.1           |
| <b>Services</b>                       | 66.6          | 62.9          | 64.7           |
| <b>Not Stated</b>                     | 4.1           | 3.0           | 3.5            |
| <b>All Industries</b>                 | <b>100.0</b>  | <b>100.0</b>  | <b>100.0</b>   |

**Source:** *The Eswatini Integrated Labour Force Survey 2016 (ILFS)*

### 18.3 Literacy levels

The Eswatini education system has basically four categories in the following order of progression: Pre-primary, ages 3-5 years; Primary, ages 6-12 years; Secondary, ages 13-17 years; and Tertiary, ages 18-22 years. Compulsory education lasts for 7 years from the age of 6 years

up to the age of 7 years. Apart from these formal means of education, Government through the Ministry of Education runs adult basic literacy programmes for those who cannot read and write. The programmes are run through the Sebenta National Institute, a public enterprise under the Ministry of Education, that teaches learners how to read, write and count. A large majority of those targeted by the programme are from the peri-urban and rural communities.

The ILFS shows that 54.5% of the working age population in Eswatini has secondary education while 27.3% has primary education. This translates into 81.8% of the working age population having attained either primary education or both primary and secondary education.

### 18.3.1 Percentage of labour force with at least primary (elementary) school level of Education

Results from the 2016 ILFS show that 77.9% of the labour force has attained either secondary or primary (elementary) education, and 15% has attained tertiary education. Of all the females in the labour force, 78.6% have either secondary or primary education while the figure for males stands at 77.2%. With regards to tertiary education 15% of all females and 15.3% of all males in the labour force have attained this level of education.

## 18.4 Economic Data

Eswatini is classified as a lower middle-income country. It is dependent upon South Africa for most of its imports and exports. Approximately half of the country's revenue comes from customs duties from the Southern African Customs Union (SACU). Its currency, the Emalangen, is pegged to the South African rand.

According to the 2019 budget speech presented to the Parliament of the Kingdom of Eswatini by the Minister of Finance on 27th February 2019, the country's economic activity was weak in 2018 leading to a 0.4% contraction rate.

The economy's primary sector displayed marginal growth as a result of improved sugarcane production which benefitted from the Lower Usuthu Smallholder Irrigation Projects (LUSIP) and better rainfall.

In the secondary sector, growth was at a standstill during 2018 due to various factors including a reduction in external demand for the country's exports which had a dampening effect on manufacturing. During this period, the construction industry bore the brunt of this slowdown in economic activity. The secondary sector registered some improvement in the second half of 2018 due to improvements in the processing of sugar and some recovery in the textile industry.

The Minister of Finance, in his budget speech, indicated that the tertiary sector registered some growth in 2018 which was largely driven by better performance in the Wholesale and Retail industry. However, the tertiary sector was on the whole negatively impacted by Government's measures to cut spending as it struggled with cash-flow challenges.

As he delivered his budgetary speech to parliament on 27th February 2019, the Minister of Finance singled out the following as the country's key sectors for driving economic growth: ICT and Education; Energy and Mining; Tourism; and Manufacturing and Agro processing.

#### 18.4.1 Gross Domestic Product (GDP)

According to the Central Statistical Office (CSO) of the Kingdom of Eswatini, the country's gross domestic product (GDP) by economic activity has seen a steady increase over the years rising from E47,994 million in 2014 to E62,373 million in 2018. In 2018, the share of total GDP by the primary, secondary and tertiary sectors was 8.6%, 32.8% and 53.7% respectively.

CSO data indicates that industries with the highest contribution to GDP by economic activity at the prices of 2018 are: Manufacturing with 28.9%; Wholesale, Retail Trade and Repair of Motor Vehicles at 13.8%; and Public Administration and Defence as well as Compulsory Social Security at 7.9%. Industries with the lowest contribution to GDP are: Mining and Quarrying with almost 0%; Arts, entertainment and Recreation at 0.2%; and Support Activities to Agriculture at 0.4%.

#### 18.4.2 Gross National Income (GNI) Per Capita

According to the World Bank, the GNI per capita of Eswatini was \$3,850 in 2018, marking a 7.54% increase from 2017. However, from 2014 to 2017 the GNI per capita decreased progressively as follows: 2014 - \$4,320; 2015 - \$3,920; 2016 - \$3,640; and 2017 - \$3,580. In percentage terms, the decline in GNI per capita was: 9.68% from 2014 to 2015; 7.14% from 2015 to 2016; and 1.65% from 2016 to 2017.

Going by the 2016 ILFS, the median monthly earnings of all employees in the Kingdom of Eswatini is E2, 200. At an estimated monthly earning of E2, 500, males earn higher than females who are estimated to earn E1, 800 monthly.

#### 18.4.3 Estimates of Resources Devoted to OSH

As a Unit under the Department of Labour, the Occupational Safety and Health Inspectorate Unit, in Eswatini, is not directly funded for its operations. Though the Unit has had a funding centre (Head 1403) over the years, this funding centre has been inactive. Instead, the Office of the Labour Commissioner, which has oversight over the Department of Labour, directly receives the funds and subsequently disburses to the five units under it including the Occupational Safety and Health Inspectorate Unit.

The lack of a well-defined budget dedicated to the implementation of occupational safety and health in the country has contributed to the challenges faced by the Occupational Safety and Health Inspectorate Unit in successfully executing its mandate.

## 19 OTHER RELATED ISSUES

### 19.1 Policies that may Impact on OSH Development and Delivery systems

The National Health Promotion Policy and the National Environmental Health Policy overseen by the Ministry of Health have, and will continue to have, an impact on the delivery of OSH in Eswatini.

Article 4.47 of the National Health Promotion Policy commits the Ministry of Health to the promotion of environmental health programmes including occupational hygiene and safety. Further, considering that the two Occupational Health Service Centres at RFM Hospital, in Manzini, and at Hlathikhulu Hospital, in Hlathikhulu, fall under the Ministry of Health, the delivery of occupational health services in the country will no doubt be impacted by the National Health Promotion Policy. This calls for closer collaboration between the Ministry of Labour and Social Security and the Ministry of Health to ensure that the preventive aspects of occupational safety and health and those relating to compensation for occupational diseases and injuries incurred by workers speak to each other

The National Environmental Health Policy, overseen by Ministry of Health, mentions occupational health and safety as being a component of environmental health in Article 1.2.4. Other OSH-related issues the policy mentions include occupational epidemiology, toxicology, control of dangerous and hazardous chemical substances and control of dangerous radioactive materials and articles. In Article 3.4.5, the Policy states that “Local Authorities in consultation with the Ministry’s Environmental Health Management Teams at both central and regional levels shall be responsible for planning and provision of environmental health services for the population in their areas ...” The policy goes on to state that the primary focus of the services to be offered will include, among others, occupational health. Considering that the OSH Inspectorate Unit only has presence in Mbabane while local authorities are present everywhere in the country, there is a risk of overlaps in the provision of OSH services in the country and a possible overshadowing of the OSH Inspectorate Unit. However, the presence of environmental health inspectorates in local authorities spread throughout the country could be leveraged to ensure that the services offered by the OSH Inspectorate Unit reach even parts of the country where it does not have a presence on the ground.

### 19.2 OSH Issues Relating to International Trade that May Impact on the Country

Globalisation, understood to imply the removal of barriers that prevent growth of trade and cross-border investment, is considered a positive occurrence for development. With the expansion and closer linkages of the global market that characterize globalization comes the localization of global challenges including OSH. These challenges include unskilled migrant workers in agriculture, construction and the informal sector.

As consumers worldwide are becoming increasingly aware of OSH and environmental conditions under which the products they consume are produced, their voices have also become louder and stronger in demanding better OSH practices for the workers producing the goods sold in the global market. For Eswatini to continue expanding its export base, it needs to enhance OSH standards in its main export industries of sugar, wood pulp, cotton, beef and soft drink concentrates. To do so, the country will need to build capacity within the OSH Inspectorate Unit to enable it meet this challenge. This will entail decentralization of the Inspectorate's offices, increasing the number of inspectors, providing vehicles and other logistical support.

### 19.3 Recommendations of the Tripartite Advisory Technical Committee for Occupational Safety and Health

During the validation of the 'National Profile of Occupational Safety and Health in the Kingdom of Eswatini', the Tripartite Advisory Technical Committee for Occupational Safety and Health made the following recommendations for purposes of improving OSH in the country:

- The OSH Inspectorate Unit should furnish industry with the means by which it can be immediately contacted by industry for purposes of reporting accidents. The Unit's contact details are unknown.
- The 5-year duration for which accident reports should be kept is not sufficient as some health conditions related to exposure to some hazards in the workplace take long to fully manifest. Government should consider revising the durations upwards to about 30 years.
- The list of occupational diseases under the first schedule of the Workmen's Compensation Act should be reviewed as it is quite old. Further, the list of occupational diseases released by the ILO in 2010 could be used as a reference to update the list under the Workmen's Compensation Act.
- Awareness-raising on OSH should be done more frequently other than just once a year during commemoration of the World Day for Safety and Health at Work. The MoLSS should engage other stakeholders in planning and rolling out OSH awareness-raising and sensitization programmes.
- The OSH Inspectorate Unit should be decentralised. Other than just having offices at the headquarters in Mbabane, offices should be opened in other cities and towns such as Manzini.
- The establishment of both the OSH Inspectorate Unit and the Minerals and Mines Department's Inspectorate Unit should be reviewed and increased in order to meet the current demand for OSH services from industry.
- Salary grades for posts in the OSH Inspectorate Unit should be upgraded and harmonised with those of equivalent posts in the Ministry of Labour and Social Security and the wider institution of government.

- The OSH Act should be reviewed so the Experts Committee on OSH does not report to the LAB but rather directly to the Minister.
- The Chairperson of the Experts Committee should not be the Chief Inspector of Factories as this may compromise his or her objectivity when advising the Minister. Rather, the Chairperson should alternate between employers and workers who should nominate someone from among themselves and present the person to the Minister to be appointed as Chairperson.
- When the Chairperson of the Experts Committee is not available, members should choose somebody from among the social partners to chair the meeting.
- The Chairperson of the Experts Committee should have both industrial and OSH background and experience.
- The Chief Inspector of Factories, as head of the OSH Inspectorate Unit, should serve as Secretary to the Experts Committee.
- It should be clearly stated in the Workmen's Compensation Act as to how Government will provide for the compensation of its employees.
- OSH courses offered by training institutions in the country should be accredited to ensure that they are of acceptable quality.
- The duties of OSH inspectors should be reviewed and be put in the regulations. Further, the duties should be shared widely with stakeholders so that they are clear on what to expect from OSH inspectors.
- Inclusion of basic aspects of OSH in the primary school curriculum should be considered if the country is to build a preventive safety and health culture.
- SMEs should also have safety representatives and safety and health committees.
- There is a lot of under-reporting of accidents. Enforcement measures should be enhanced to improve disclosure.
- OSH awareness-raising should be carried out among the Police to enable them understand their role and the role of the OSH Inspectorate Unit where occupational accidents are concerned.
- OSH Inspectors in MOLSS and Environmental Health Inspectors in both the Ministry of Health and the Local Authorities need to work together and share information due to the commonality of some of their duties.
- The OSH Inspectorate Unit should start producing and publishing statistics of occupational accidents and diseases in order to have a basis upon which decisions can be made with regards to the management of OSH in the country.

- The OSH Inspectorate Unit should have an annual budget designated to it for its operations in order to enhance its effectiveness.
- The Country should ratify Conventions 155 and 187 in order to give social partners the means by which to hold government accountable for the improvement of OSH in the country.
- Vacant positions in the OSH Inspectorate Unit and the Minerals and Mines Department's Inspectorate Unit should be filled immediately.

## 20 SITUATION ANALYSIS OF OSH IN ESWATINI

| Strengths                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Weaknesses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>➤ Provision for safety and health at work under the Bill of Rights in the Constitutional.</li> <li>➤ Presence of OSH legislation covering all sectors of the economy.</li> <li>➤ Presence of Tripartite Advisory Technical Committee for OSH established through OSH Act.</li> <li>➤ Legal provision for establishment of safety and health committees at work.</li> <li>➤ Establishment of Occupational Health Centres at Raleigh Fitkin Memorial (RFM) Hospital, in Manzini, and at Hlathikhulu Hospital in Hlathikhulu.</li> <li>➤ Presence of a voluntary body of OSH practitioners/professionals in the name of SHERQ Forum.</li> <li>➤ Presence of a standards body, in SWASA, with the capacity to develop local standards on OSH.</li> </ul> | <ul style="list-style-type: none"> <li>➤ Lack of decentralization of OSH Inspectorate Unit leaving it with no presence in parts of the country facing OSH challenges including the commercial and industrial centre of Manzini.</li> <li>➤ Lack of a budget dedicated to OSH Inspectorate Unit.</li> <li>➤ Lack of comprehensive annual statistics of occupational accidents and diseases to show trends and guide decision making.</li> <li>➤ Unattractive wages for staff in OSH Inspectorate Unit in comparison to what industry is offering.</li> <li>➤ Very low staff complement in OSH Inspectorate Unit compared to number of undertakings it should cover.</li> <li>➤ Too many bureaucratic bottlenecks for OSH inspectors whenever they want to get logistics such as vehicles to go into the field for inspections.</li> <li>➤ Lack of regulations to operationalise the Occupational Safety and Health Act.</li> <li>➤ Non-ratification of core ILO conventions on OSH such as Convention 155 and Convention 187.</li> <li>➤ Lack of a national policy on OSH.</li> <li>➤ Lack of continuous professional development programmes for OSH inspectors.</li> <li>➤ Lack of registration and accreditation of OSH practitioners.</li> </ul> |

| OPPORTUNITIES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | THREATS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>➤ Current national trend of industrial investment flows into rural areas provide an opportunity for decentralization of OSH Inspectorate Unit.</li> <li>➤ SHERQ Forum provides an opportunity to establish a professional body of OSH practitioners that could register and regulate them.</li> <li>➤ Developments in education sector provide an opportunity for introducing basic OSH concepts in primary school curricular.</li> <li>➤ Partnership with the ILO and WHO provides an opportunity for capacity building.</li> <li>➤ Draft Workplace Wellness Policy, Draft Decent Work Country Programme, Draft Construction Safety and Health Regulations and Draft Mines Health and Safety Regulations provide an opportunity to address OSH gaps the country may still have.</li> <li>➤ Presence of a Science Technology Park could help promote research in OSH.</li> <li>➤ Entry of other regulatory institutions into the OSH space provides an opportunity for information sharing and resource leveraging in regulating industry.</li> </ul> | <ul style="list-style-type: none"> <li>➤ Lack of a national accreditation body with respect to OSH training courses being offered by various training institutions.</li> <li>➤ Corruption.</li> <li>➤ Current economic challenges facing the country.</li> <li>➤ Lack of sharing of information between the OSH Inspectorate Unit and other regulatory institutions such as the Minerals and Mines Department and Eswatini Environment Authority.</li> <li>➤ Lack of buy-in from members of parliament and other key decision makers.</li> </ul> |

## ANNEXES

## Annex 1: List of ILO Conventions Ratified by the Kingdom of Eswatini

| CONVENTION                                                                                             | RATIFICATION DATE | STATUS       |
|--------------------------------------------------------------------------------------------------------|-------------------|--------------|
| <b>Fundamental Conventions</b>                                                                         |                   |              |
| <b>C029 - Forced Labour Convention, 1930 (No. 29)</b>                                                  | 26/04/1978        | In force     |
| <b>C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)</b> | 26/04/1978        | In force     |
| <b>C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)</b>                    | 26/04/1978        | In force     |
| <b>C100 - Equal Remuneration Convention, 1951 (No.100)</b>                                             | 05/06/1981        | In force     |
| <b>C105 - Abolition of Forced Labour Convention, 1957 (No. 105)</b>                                    | 28/02/1979        | In force     |
| <b>C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)</b>                    | 05/06/1981        | In force     |
| <b>C138 - Minimum Age Convention, 1973 (No. 138)</b>                                                   | 23/10/2002        | In force     |
| <b>C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)</b>                                   | 23/10/2002        | In force     |
| <b>Governance Conventions</b>                                                                          |                   |              |
| <b>C081 - Labour Inspection Convention, 1947 (No. 81)</b>                                              | 05/06/1981        | In force     |
| <b>C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)</b>      | 05/06/1981        | In force     |
| <b>Technical Conventions</b>                                                                           |                   |              |
| <b>C005 - Minimum Age (Industry) Convention, 1919 (No. 5)</b>                                          | 26/04/978         | Not in force |
| <b>C011 - Right of Association (Agriculture) Convention, 1921 (No. 11)</b>                             | 26/04/978         | In force     |
| <b>C012 - Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)</b>                           | 26/04/978         | In force     |
| <b>C014 - Weekly Rest (Industry) Convention, 1921 (No. 14)</b>                                         | 26/04/978         | In force     |
| <b>C019 - Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)</b>                  | 26/04/978         | In force     |
| <b>C026 - Minimum Wage-Fixing Machinery Convention,</b>                                                | 26/04/978         | In force     |

|                                                                                                    |            |              |
|----------------------------------------------------------------------------------------------------|------------|--------------|
| <b>1928</b><br><b>(No. 26)</b>                                                                     |            |              |
| <b>C045 - Underground Work (Women) Convention, 1935</b><br><b>(No. 45)</b>                         | 05/06/1981 | In force     |
| <b>C050 - Recruiting of Indigenous Workers Convention, 1936</b><br><b>(No. 50)</b>                 | 26/04/1978 | Not in force |
| <b>C059 - Minimum Age (Industry) Convention (Revised), 1937</b><br><b>(No. 59)</b>                 | 26/04/1978 | Not in force |
| <b>C064 - Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64)</b>               | 28/04/1978 | Not in force |
| <b>C065 - Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65)</b>                       | 28/04/1978 | Not in force |
| <b>C086 - Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86)</b>               | 28/04/1978 | Not in force |
| <b>C089 - Night Work (Women) Convention (Revised), 1948</b><br><b>(No. 89)</b>                     | 05/06/1981 | In force     |
| <b>C090 - Night Work of Young Persons (Industry) Convention</b><br><b>(Revised), 1948 (No. 90)</b> | 05/06/1981 | In force     |
| <b>C094 - Labour Clauses (Public Contracts) Convention, 1949</b><br><b>(No. 94)</b>                | 05/06/1981 | In force     |
| <b>C095 - Protection of Wages Convention, 1949 (No. 95)</b>                                        | 26/04/1978 | In force     |
| <b>C096 - Fee-Charging Employment Agencies Convention</b><br><b>(Revised), 1949 (No. 96)</b>       | 05/06/1981 | In force     |
| <b>C099 - Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)</b>                | 05/06/1981 | In force     |
| <b>C101 - Holidays with Pay (Agriculture) Convention, 1952</b><br><b>(No. 101)</b>                 | 05/06/1981 | In force     |
| <b>C104 - Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104)</b>         | 05/06/1981 | Not in force |
| <b>C123 - Minimum Age (Underground Work) Convention, 1965</b><br><b>(No. 123)</b>                  | 05/06/1981 | In force     |
| <b>C131 - Minimum Wage Fixing Convention, 1970 (No. 131)</b>                                       | 05/06/1981 | In force     |
| <b>C160 - Labour Statistics Convention, 1985 (No. 160)</b>                                         | 22/09/1992 | In force     |

**Annex 2: List of Safety and Health Standards under Eswatini Standards Authority (SWASA)**

| <b>CODE</b>                   | <b>SCOPE</b>                                                                                          |
|-------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>SZNS 008:2012</b>          | General hospitals – requirements                                                                      |
| <b>SZNS 009:2012</b>          | HIV Testing and counselling – general requirements                                                    |
| <b>SZNS 010: 2013</b>         | Clinics- Requirements                                                                                 |
| <b>SZNS 014: 2013</b>         | Pharmaceutical Services- Requirements                                                                 |
| <b>SZNS 020:2012</b>          | Portable refillable fire extinguishers                                                                |
| <b>SZNS 022:2015</b>          | Occupational First Aid- Requirements                                                                  |
| <b>SZNS 023: 2013</b>         | School health services – General requirements                                                         |
| <b>SZNS 032: 2014</b>         | Solid waste disposal sites, guidelines for safe management- Code of practice                          |
| <b>SZNS 029-1:2015</b>        | The production of reconditioned fire-fighting equipment - Part 1: Portable and wheeled (mobile)       |
| <b>SZNS 036:2014</b>          | Measurement and assessment of occupational noise for hearing conservation purposes                    |
| <b>SZNS 044-2: 2014</b>       | Symbolic safety signs Part 2: Self- luminous (radio luminescent) signs                                |
| <b>SZNS 044-3: 2014</b>       | Symbolic safety signs Part 3: Internally illuminated signs                                            |
| <b>SZNS 044-4: 2014</b>       | Symbolic safety signs Part 4: Retro-reflective signs                                                  |
| <b>SZNS 044-5: 2014</b>       | Symbolic safety signs Part 5: Photo luminescent signs                                                 |
| <b>SZNS SANS 543:2004</b>     | Fire hose reels (with semi-rigid hose)                                                                |
| <b>SZNS SANS 1186-1: 2011</b> | Symbolic safety Signs Part 1: Standard signs and general requirements                                 |
| <b>SZNS SANS 1329-1:2004</b>  | Retro-reflective and fluorescent warning signs for road vehicles, Part 1: Triangles                   |
| <b>SZNS SANS 1329-2:2004</b>  | Retro-reflective and fluorescent warning signs for road vehicles, Part 2: Abnormal load vehicle signs |
| <b>SZNS ISO 4074: 2002</b>    | Natural latex rubber condoms- Requirements and test methods                                           |
| <b>SZNS SANS 1545-2:2009</b>  | Safety rules for the construction and installation of lifts, Part 2: Hydraulic lifts                  |

|                                |                                                                                                                                                              |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SZNS ISO 8253-1: 2010</b>   | Acoustics- Audiometric test methods- Part1: Pure-tone air and bone conduction audiometry                                                                     |
| <b>SZNS SANS 10105-1:2010</b>  | The use and control of firefighting equipment – Portable and wheeled (mobile) fire extinguishers                                                             |
| <b>SZNS SANS 10124:2006</b>    | The application of soil insecticides for the protection of buildings                                                                                         |
| <b>SZNS SANS 10177-1:2005</b>  | Fire testing of materials, components and elements used in buildings, Part 1: General introduction to the methods of test                                    |
| <b>SZNS SANS 10228:2012</b>    | The identification and classification of dangerous goods for transport by road and rail modes                                                                |
| <b>SZNS SANS 10232-1:2007</b>  | Transport of dangerous goods – Emergency information systems Part 1: Emergency information systems for road transportation                                   |
| <b>SZNS SANS 10232-3:2011</b>  | Transport of dangerous goods – Emergency information systems Part 3: Emergency response guide                                                                |
| <b>SZNS SANS 10248-1:2010</b>  | Management of healthcare waste - Part 1: Management of healthcare risk waste from a healthcare facility                                                      |
| <b>SZNS SANS 10248-2:2009</b>  | Management of healthcare waste - Part 2: Management of healthcare risk waste for healthcare facilities and healthcare providers in rural and remote settings |
| <b>SZNS SANS 10263-0: 2010</b> | The warehousing of dangerous goods Part 0: General requirements                                                                                              |
| <b>SZNS SANS 10263-2: 2008</b> | The warehousing of dangerous goods Part 2: The storage and handling of gas cylinders.                                                                        |
| <b>SZNS ISO 10282: 2002</b>    | Single-use sterile rubber surgical gloves - Specification                                                                                                    |
| <b>SZNS ISO 11611: 2007</b>    | Protective clothing for use in welding and allied processes.                                                                                                 |
| <b>SZNS SANS 16001:2013</b>    | Wellness and Disease (including HIV and TB) Management System                                                                                                |
| <b>SZNS OHSAS 18001:2007</b>   | Occupational health and safety management system- Requirements.                                                                                              |
| <b>SZNS ISO 21469:2006</b>     | Safety of machinery – Lubricants with incidental product contact – Hygiene requirements                                                                      |
| <b>SZNS ISO 23551-2:2006</b>   | Safety and control devices for gas burners and gas-burning appliances – Particular requirements – Part 2: Pressure regulators                                |
| <b>SZNS SANS 5001-1: 2004</b>  | Safety rules for the construction and installation of lifts Part 1: Electric Lifts                                                                           |
| <b>SZNS SANS 50081-2: 1998</b> | Safety rules for the construction and installation of lifts Part 2 - Hydraulic lifts                                                                         |

**Annex 3: List of Members of the Tripartite Advisory Technical Committee for OSH that Participated in the Final Validation of the National Profile of OSH in the Kingdom of Eswatini**

| S/N | NAME                | INSTITUTION                              | DESIGNATION |
|-----|---------------------|------------------------------------------|-------------|
| 1.  | Vumani Tshabalala   | Ministry of Labour and Social Security   | Chairperson |
| 2.  | Thandie Beames      | Trade Union Congress of Eswatini         | Member      |
| 3.  | Andrew Bhembe       | Ministry of Public Works and Transport   | Member      |
| 4.  | Dumisa Dlamini      | Municipal Council of Manzini             | Member      |
| 5.  | Mancoba Dlamini     | Business Eswatini                        | Member      |
| 6.  | Ntombifuthi Dlamini | Ministry of Natural Resources and Energy | Member      |
| 7.  | Njabulo Mkhonta     | Ministry of Agriculture                  | Member      |
| 8.  | Ndumisa Sigwane     | National Fire and Emergency Services     | Member      |
| 9.  | Melusi Simelane     | Eswatini Environment Authority           | Member      |
| 10. | Tholi Vilakati      | Ministry of Labour and Social Security   | Member      |
| 11. | Phazi Zwane         | Ministry of Labour and Social Security   | Secretary   |

**Annex 4: List of Stakeholders that Participated in the Preliminary Validation of the National Profile of OSH in the Kingdom of Eswatini**

| S/N | NAME                   | INSTITUTION                               |
|-----|------------------------|-------------------------------------------|
| 1.  | Thandie Beames         | Trade Union Congress of Eswatini          |
| 2.  | Andrew Bhembe          | Ministry of Public Works and Transport    |
| 3.  | Daniel Dladla          | Ministry of Agriculture                   |
| 4.  | Makhosonke Dlamini     | Federation of Eswatini Trade Unions       |
| 5.  | Mancoba Dlamini        | Business Eswatini                         |
| 6.  | Thulie Gama            | Ministry of Labour and Social Security    |
| 7.  | Michael Jele           | Ministry of Housing and Urban Development |
| 8.  | Dennis Z. Khumalo      | National Fire and Emergency Services      |
| 9.  | Richard Magagula       | Ministry of Natural Resources and Energy  |
| 10. | Kingdom Mamba          | Ministry of Labour and Social Security    |
| 11. | Simanga Maseko         | Ministry of Labour and Social Security    |
| 12. | Peter Mavuso           | Ministry of Labour and Social Security    |
| 13. | Muzikayise Mhlanga     | Trade Union Congress of Eswatini          |
| 14. | Fannie Mkhonta         | Ministry of Labour and Social Security    |
| 15. | Celiwe Mkhonta         | Ministry of Health                        |
| 16. | Herbert Mngometulu     | Inyatsi Construction Limited              |
| 17. | Dudu Ndzinisa          | Ministry of Labour and Social Security    |
| 18. | Mlandvo Ntshalintshali | Ministry of Labour and Social Security    |
| 19. | Kenneth Shongwe        | Eswatini Standards Authority              |
| 20. | Penelope Shongwe       | SHERQ Forum                               |
| 21. | Ben Simelane           | Ministry of Labour and Social Security    |
| 22. | Melusi Simelane        | Eswatini Environment Authority            |
| 23. | Nkambule Sizwe         | Eswatini Environment Authority            |
| 24. | Themba Thwala          | Construction Industry Council             |

|     |                   |                                        |
|-----|-------------------|----------------------------------------|
| 25. | Vumani Tshabalala | Ministry of Labour and Social Security |
| 26. | Mduduzi Vilakati  | Ministry of Labour and Social Security |
| 27. | Mancoba Zwane     | SHERQ Forum                            |
| 28. | Phazi Zwane       | Ministry of Labour and Social Security |
| 29. | Louis Van Zyl     | Inyatsi Construction Limited           |

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