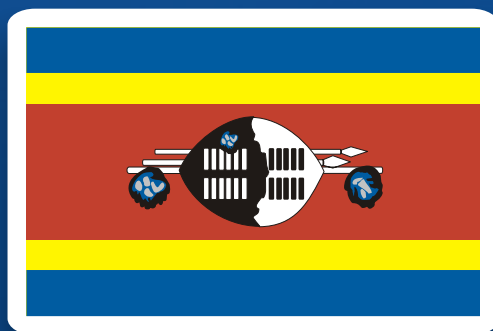
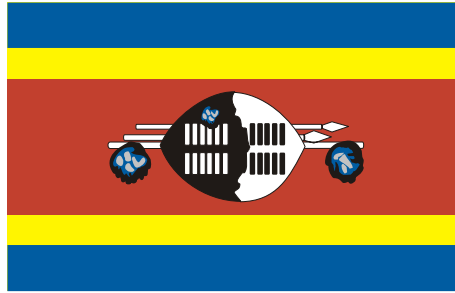




DECENT WORK COUNTRY PROGRAMME FOR SWAZILAND

2010 to 2014





Swaziland

DECENT WORK COUNTRY PROGRAMME

2010 to 2014



MEMORANDUM OF UNDERSTANDING

BETWEEN

THE INTERNATIONAL LABOUR ORGANIZATION

(hereinafter referred to as ILO) of the one part;

AND

**THE GOVERNMENT OF THE KINGDOM OF
SWAZILAND**

duly represented by the Minister of Labour and Social Security;

THE EMPLOYERS' ORGANISATIONS

duly represented by The Federation of Swaziland Employers & Chamber of Commerce and The Federation of Swaziland Business Community;

THE WORKERS' ORGANISATIONS

duly represented by The Swaziland Federation of Trade Unions and The Swaziland Federation of Labour;

(The Three parties hereinafter referred to as the Tripartite Constituents) of the other part;

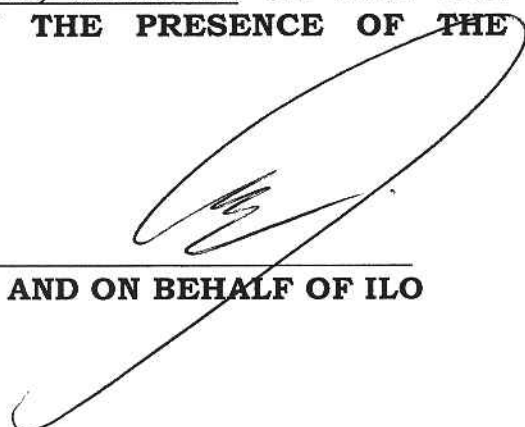
ON

**COOPERATION IN THE IMPLEMENTATION OF THE
DECENT WORK COUNTRY PROGRAMME**

PREAMBLE

Handwritten signatures and initials:
A, BM, M.C., 9, 12, BM, and a large signature on the right.

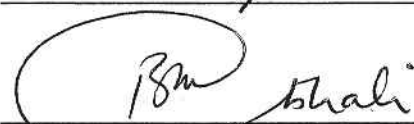
THUS DONE AND SIGNED AT THE MINISTRY OF LABOUR AND SOCIAL SECURITY CONFERENCE ROOM, MBABANE ON THIS THE 27TH DAY OF OCTOBER 2010, IN THE PRESENCE OF THE UNDERSIGNED WITNESSES.



FOR AND ON BEHALF OF ILO

AS WITNESSES

1. 

2. 

3. 



FOR AND ON BEHALF OF THE
GOVERNMENT OF SWAZILAND



FOR AND ON BEHALF OF
EMPLOYERS' ORGANIZATIONS



FOR AND ON BEHALF OF
WORKERS' ORGANIZATIONS

AS WITNESSES

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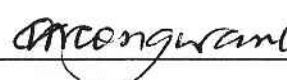
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ACRONYMS AND ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
ARM	Africa Regional meeting
BCHA	Business Coalition against HIV and AIDS
CMAC	Conciliation, Mediation and Arbitration Commission
DWCP	Decent Work Country programme
ECOSOC	United Nations Economic and Social Council
ESRA	Economic Social Reform Agenda
FSECC	Federation of Swaziland Employers and Chamber of Commerce
GDP	Gross Domestic Product
HIV	Human Immune Virus
MAP	Millennium Action Programme
MDG	Millennium Development Goals
NDS	National Development Strategy
PEPFAR	President's Emergency Plan for AIDS Relief
PRSAP	Poverty Reduction Strategy and Action Plan
SD	Social Dialogue
SFTU	Swaziland Federation of Trade Unions
SILFS	Swaziland Integrated Labour Force Survey
SP	Smart Partnership
SPEED	Smart Programme for Economic Development
TVET	Teachers' Vocational Education Training
UNCT	United nations Country Team
UNDAF	- United Nations Development Assistance Framework
VOCTIM	- Vocational and Commercial Training Institute in Manzini.
WFCL	- Worst Forms of Child Labour

ACKNOWLEDGEMENTS

The ILO Pretoria Office would like to thank Ms. Treasure Maphanga of CILO Consulting, for her valued contribution on the country situational analysis, the tripartite constituents and other ILO colleagues for their valuable inputs, in the development of the Decent Work Country Programme (DWCP) document.

FOREWORD

This document summarizes the intended DWCP for Swaziland. Nine countries in Africa were initially identified for DWCP pilots. Subsequently, all member countries in the Africa region are to deliver all technical cooperation through decent work country programmes.

The Decent Work Agenda has since the turn of the 21st century become the ILO's main vehicle to achieve social justice. The Agenda re-enforces the four strategic objectives of the ILO, namely:

- Fundamental principles and rights at work and international labour standards;
- Employment and income opportunities
- Social protection and social security
- Social dialogue and tri-partism

On 10 June 2008 all ILO member States called for implementation of the Decent Work Agenda in a more holistic and integrated approach, calling the four strategic objectives “inseparable, interrelated and mutually supportive”. To this end, the Declaration on Social Justice for a Fair Globalization institutionalizes the Decent Work concept as a contemporary response to the importance of social justice in a new and increasingly globalized world where economic growth not necessarily has led to job growth.

At the 2005 World summit of the United Nations General Assembly, UNGASS Heads of State and government of more than 150 countries, made a commitment to implement a wide ranging international agenda requiring global, regional and national action.

“We strongly support globalization and resolve to make the goals of full and productive employment and decent work for all, including women and young people, a central objective of our relevant national and international policies as well as our national development strategies, including poverty reduction strategies, as part of our efforts to achieve the Millennium Development Goals”

Preceding the 2005 Summit and particularly for Africa, at the Ouagadougou Summit by African Heads of State, and recently the 2009 1st African Decent work Symposium on “Recovering from the Crisis, the implementation of the Global Pact in Africa” also held in Ouagadougou, Burkina Faso similar issues focusing on poverty reduction were articulated.

In the study conducted by the ILO to analyze the prevailing situation in Swaziland, poverty reduction and employment creation (especially for the youth and women), social security and social dialogue came out strongly as areas of priority. It is, therefore, the objective of the ILO to use the DWCP for Swaziland in consonance with the Swazi tripartite and other partners, to jointly address these prioritized areas with their attendant decent work deficits, in the short to medium term period.

One of the most important elements of using the DWCP as a tool for technical cooperation in Swaziland is to use ILO's comparative advantage of its tripartite character such that

Swaziland can address these national development goals holistically.

In this DWCP, the UN's 'Delivery as One' system is also envisaged, with a view to implementing the ECOSOC and UN Commission for Social Development resolutions, calling on all relevant agencies of the UN 'to collaborate in using, adapting and evaluating the application of the Decent Work (CEB) Toolkit to develop, with the assistance of the ILO, mechanisms to share their pertinent expertise on employment and decent work for all, with special attention to women and youth, and promote, in close cooperation with ILO, a greater awareness and understanding of, with a view to better implementing the decent work agenda, including its four objectives and to assess the impact of relevant policies and programmes on employment, on promoting full employment and decent work for all respectively.

EXECUTIVE SUMMARY

ILO technical assistance to Swaziland spans over 30 years, emanating from 1978 when Swaziland became a member of the ILO. The Swaziland government, employers and workers have consistently participated in the International Labour Conference. Thus the Swaziland Government has received technical assistance from the ILO in the development of the Conciliation, Mediation and Arbitration Commission - (CMAC), Labour Advisory Board - LAB, Labour Inspection policy, workplace HIV and AIDS policies for enterprises etc. Following the recent decision by the ILO to coordinate all technical assistance carried out in a country through DWCPs, the Pretoria office embarked on the development the DWCP for Swaziland.

Swaziland DWCP is a result of the main sources of inspiration;

- foremost is the local constituents' priorities as expressed through the DWCP consultation workshop and development/vision statements, policy documents and the UN framework of support, such as the UNDAF;
- donor priorities in the country; and
- the ILO's mandate to work on issues of the workplace through its Constitution and Decent Work Agenda particularly the DWA (2007 – 2015).

The Decent Work Agenda presents the ILO with a unique opportunity in assisting member states in pursuing and implementing a development strategy that is socially relevant to aspirations of ILO constituents. Swaziland faces a number of decent work deficits. With the current financial and economic crisis it is anticipated that these deficits will be further exacerbated. Swaziland will therefore, need ILO's technical assistance in developing the strategies.

In her national Development Strategy encompassing the Vision 2022, Swaziland under Sectoral Strategies (policy and Legislative matters and Macro-Economic management) has certainly taken decent work issues on board:

- a). to develop appropriate legislation, policies and an enabling environment to promote private and informal sector investment and active participation of these groups in economic growth and development:*
- b). Review labour laws, educate and sensitize social partners on the need to promote industrial harmony and prosperity;*
- c). Create a framework for conflict prevention, management and resolution that would be acceptable to the majority of the population.*

The development of the DWCP commenced initially with the engagement of a local consultant respected by all the constituents of the ILO to carry out a country situational analysis (CSA). The purpose of the CSA was to identify the major decent work deficits faced by the country and to obtain consensus on priorities by the tripartite partners.

The CSA was fully participatory involving, principally, the ILO's tripartite constituents, FSE/CC, SFTU, SFL, MoLSS and other key national stakeholders were also engaged in the consultation process. The wide consultation ensured that consensus emerged around major decent work deficits and the priorities of the developed DWCP. Intensive consultations were undertaken with the UN system as well.

The priority areas identified by the constituents converged on social dialogue, employment, HIV/AIDS and social protection. Subsequently, the ILO Pretoria office embarked on a confirmatory mission to Swaziland, first to introduce the new management in the Office and to further discuss the intended outcomes of each of the identified priorities, as well as participating in UNCT Retreat to review Swaziland's 2006 to 2009 UNDAF and to set priorities for the new 2010 -2014 UNDAF.

This document captures in brief the major decent work deficits; priorities; outcomes and the Structure of the DWCP; Implementation Plan; Monitoring and Evaluation Plan; political systems; Economy; Employment; Social Dialogue; Social Protection - Social Security; HIV and AIDS.

Whilst the ILO commits itself to implementing all that is within this document it should be noted that certain Challenges and Risks are envisaged:

An underlying assumption for the implementation of the DWCP for Swaziland 2010 – 2014 is the continued socio-political and economic stability of Swaziland. It also assumes full support from all core national Constituents as has already been committed to in the validation workshop of July 2009, particularly on improving and strengthening the social dialogue institutions, systems and processes.

1. SWAZILAND SOCIO-ECONOMIC SITUATION

Background

Swaziland is a small, landlocked sovereign state (17,000 sq. km). The country is host to a population of over 1,018, 499 people, out of which 481 428 are male (47%) and 537,021 are female (53%). 78.9% live in rural Swaziland¹. It is a member of the United Nations, African Union, and Southern African Development Community (SADC), Common Market for Eastern and Southern Africa (COMESA) and Southern African Customs Union (SACU).

Swaziland attained independence on September 6, 1968 and is a monarchy, under King Mswati III. The country's constitution which was signed by the King in August 2005 is the supreme law of the country.

Swaziland joined the ILO in 1978 and has ratified a total of 31 International Labour Conventions, including all eight core conventions, two equality conventions (C. Nos 100 and 111) and one tripartite consultation convention (C. No 144), though the country still faces some challenges on domestication of the conventions. Swaziland is officially classified as a lower middle income country. However, 69% of its people are living on less than US\$1 per day. Like all countries in the region, it is currently facing serious socio-economic challenges characterized by a sluggish economic performance, high levels of poverty and inequality (Integrated Labour Force Survey, 2007 – 2008) figures, high HIV/AIDS infection rate, growing unemployment. Although the National Vision 2022 in the NDS aims for Swaziland to be amongst the top 10% of the middle development countries, its human development indicators (HDI) has increased from 0,530 to 0,623 between 1975 and 1990. The UNDP report of 2005 indicates that human development in Swaziland worsened between 1991 and 2003 with the HD Index declining from 0.583 to 0.498. The observed decline is attributed to deteriorating social and economic indicators, mostly as a result of HIV/AIDS. Life expectancy rate has dropped from 56 years in 1986 to 32.5 years in 2003.

The 2007 census has established that overall 91% of Swazi women aged 15-49 are literate, with 92% male literacy for same age group. Literacy levels were estimated slightly higher (92%) among young people who are aged 15 – 24 years compared to older generations of the population. Some of the key socio-economic challenges that Swaziland is grappling with include widespread poverty, HIV and AIDS, a radically slowing economic growth, food insecurity and inadequate social safety nets.

There is high unemployment particularly amongst women and youth (25.7% men, 31.2% women and, 71% youth), seasonality of work, unpaid work, unsafe work in different sectors of the economy, job losses due to impact of economic crises and declining FDI. Increasing competition in the global market and declining prices of Swaziland's export products have resulted in the closure of companies. There is a shortage of key skills compounded by a mismatched education for the world of work.

The devastating effects of the HIV and AIDS pandemic on the labour force in Swaziland, a country with 30 % sero-prevalence, pose a serious threat to socio-economic stability of the

¹ Preliminary 2007 Population and Housing Census Report, CSO

country;.WHO estimates for disability prevalence in Swaziland (7 to 10% of the population), put the population of persons with disabilities at between 65,000 and 95,000; The prevalence of child labour is at 1 % of children between the ages of 5 and 14 years, engaged in paid work (with varying degrees of prevalence of the worst forms of child labour). There is no data on forced labour, which is a major gap.

The situational analysis for Swaziland has identified four main priority areas, Social Dialogue, Employment, HIV/AIDS and Social Security. The ILO will focus mainly on employment and social dialogue however technical assistance will also cover social protection and standards.

2. EMPLOYMENT

The economy of Swaziland is primarily agrarian with the majority of the people engaged in subsistence agricultural. Employment in the formal sector grew at approximately 1.3 % between 1995 and 2002. The South African economy has not been able to absorb migrant workers to the same extent as in the past due to the mixed fortunes of the mining sector. Numbers of Swazi nationals working in South Africa dropped significantly. The remittances which were as high as 15% of GDP in the late 1980s are now negligible as many South African companies have restructured and downsized. The Swaziland textile sector initially created in excess of 20,000 jobs, however due to end of the Multi-Fibre Agreement and a strong Rand, as many as 10,000 jobs, mostly occupied by women, were lost in 2005 due to company closures in the textile sector. The Pulp industry has been hit by retrenchments running into thousands of jobs affected and the burning of the 40% of the forest in August, 2008 resulted in the company closing down.

Formal employment in Swaziland accounts for a small percentage of the eligible working population. The number of people in Swaziland aged 15 years and above in 2007 was 599 528. The preliminary results of the Swaziland Integrated Labour Force Survey (SILFS) 2007/08 estimates that about 310,450 persons were economically active² in Swaziland, resulting in a labour force participation rate of 51.8%, whilst 87,679 of the economically active population, were unemployed. The official unemployment rate for youth aged 15 – 24 was 53.3 percent, almost twice as high as the next highest age group of between 25-34 years. Labour absorption rates are sharply different by gender, among working age men, at 43.9% had jobs, whereas 31.9% among working age women were employed.

The sectoral characterization of employment is such that manufacturing has the largest share at 19.5%, followed by wholesale and retail at 15.4% followed by agriculture, forestry and fishing at 10%. The growth of manufacturing is attributed largely to the textile sector in which thousands of jobs have been created (although some have since been lost) in the past seven years whereas agriculture appeared to be stagnant with an annual growth rate of about 0.001 per cent. Moreover, the current wage earner may support an average of six dependents in extended families as a result of the impact of HIV/ AIDS (Metra Economic Consulting, 2004).

Poverty Reduction Strategies

Undoubtedly, a large part of the solution to the poverty problem in Swaziland is to create

² Economically active persons are those that are either employed or unemployed.

employment. The analysis suggests that any job creation strategy should make a distinction between profiles of the employed and unemployed in the labour force; policies promoting the creation of jobs for the youth, for women and for Swazi citizens are likely to have the greatest impact on unemployment and poverty. The global crisis is another hindrance to the aspirations of the MDG 1 and Swaziland's PRSAP.

The crisis entails a contraction in global economies, as a result, “a major slowing down effect” (occasioned by reduced FDI due to declining global demand for goods and services, and remittances), on the momentum that is needed in the remaining years for the achievement of the MDGs by 2015.

Effective social dialogue is important as a response to mitigate the impact of the economic crisis, highlighting the needs to be a driving force and a means to finding a common strategy behind each such initiative. A specific study on the crisis' impact on the labour market in Swaziland has been conducted to ascertain the situation in order to mitigate a downscaling effect as much as possible. This is to be fed back to the country's general labour market policies and employment promotion strategies to address the attendant gaps.

The *gender dimension* of labour shows that the majority of women and men worked as paid employees (65.8% and 79.2% respectively), whereas 29.6 % of women were self-employed compared to 16% of men. Less than 4% of workers had their own farm and about 1% of the employed worked as unpaid family members. In general, Professional, technical, managerial jobs attract women with the highest education and in the highest wealth quintile and women in sales and services attracts younger women and women with lower than tertiary education. While women's work tends to be concentrated in selected types of occupations, men's choice of work is more varied. Men are almost evenly employed in sales and services, and as manual labourers. 17% of men work in Agriculture and 13% are in professional, technical and managerial jobs. As with women, professional, technical and managerial jobs tend to attract men in urban areas, with the highest education and in the highest wealth quintile.

Three quarters of people with disabilities aged 12 or older are not economically active, while only 17 per cent are employed in wage employment. And those who work generally get “*menial and poorly-remunerated jobs.*” This can be explained by the widespread belief that people with disabilities are unemployable.

The informal sector accounted for about 17.7 percent of employed workers. It is expected to grow, as households shift from farming to non-farming small and medium enterprises.

3. SOCIAL SECURITY

Swaziland has an Occupational Safety and Health draft policy but does not have a Social Security policy. This policy document is consistent with ILO Convention 81 but also introduces a number of innovations directed towards extending the coverage of labour inspection and related activities segments of the working population previously untouched by labour protection and inspection services. ILO has already commenced technical assistance to Swaziland in this sector. This Labour Inspection Policy provides a new vision for

labour inspection in Swaziland. It is envisaged that, over a period of time, *with ILO assistance their introduction will bring a new perspective to labour inspection to address identified deficits*, with an emphasis on prevention and improvement for the benefit of both workers and employers.

With the 2008 creation of the new Ministry of Labour and Social Security assistance has been sought from the ILO to.

Assist in the conversion of the Swaziland National Provident Fund to a pension scheme In the following areas

- (1) Work-shopping the stakeholders on the basic principles of pension schemes, including definitions of defined contribution and defined benefit models of pension schemes.
- (2) Drafting of the enabling legislation for the proposed pension scheme, in consultation with the shareholders.
- (3) Advice on effective public sensitization programmes once the enabling legislation has been agreed to by the stakeholders.
- (4) Provision of actuarial services for the conversion process
- (5) Financial resources.
- (6) Facilitating stakeholders' workshop

ILO has already commenced some extensive work in this regard and recommendations are that there be a social expert, based in Pretoria to continue with this work.

The role of the Pretoria Office will include process management and negotiations and facilitation where necessary. There will be a need for a policy expert and an actuary to assist at the stakeholders' workshops, advice, assist in draft legislation and an implementation plan.

4. HIV AND AIDS

Swaziland has been identified as having one of the highest HIV prevalence rates in the world leading to reversal of hard earned health, social and economic development gains. The socio-economic situation has exhibited several serious challenges that include a major crisis arising out of an HIV and AIDS epidemic of unprecedented scope and severity, high poverty levels, and serious difficulties in ensuring sustained macro-economic stability. HIV Prevalence among women attending antenatal clinics rapidly rose from 3.9% in 1992 to 42.6% in 2004 before registering a slight decline to 39.2% in 2006. A trend analysis of antenatal HIV data (Table 1) shows that young people aged 20-29 are the worst affected with 2006 prevalence rates of 40.3% and 48% for the age groups 20-24 and 25-29 respectively. The HIV prevalence rates among young women are alarmingly high.

Table 2: Antenatal HIV Data

Year	1996	1998	2000	2002	2004	2006
15 - 19 years	24.1	25.6	26.3	32.5	29.3	26
20 - 24 years	32.3	38.4	42.5	45.4	46.3	40.3
25 - 29 years	27.2	38	40.7	47.7	56.3	48
30 - 34 years	21.7	28.8	29.7	29.6	41	45
35 - 39 years	11	21.8	17	23.9	30.9	40.1
40 + years	26	31.6	34.2	38.6	38	33.3

The impact of HIV and AIDS in the world of work is devastating, reducing the productivity of the productive segment of a population with a high dependency ratio. There are multiple effects of being HIV positive including vulnerability to discrimination. The sensitization of both the employer and the employee is crucial in managing attitudes, and ensuring rights are protected in line with ILO Guidelines. With the HIV and AIDS Coordinator based in Pretoria Swaziland will receive the requisite attention on workplace activities for tripartite/social partners

5. SOCIAL DIALOGUE

Swaziland has, with the help of the ILO established a National Steering Committee on Social Dialogue which is charged with facilitating tripartite decision making and influencing socio – economic policies. There is a dire need to strengthen the institutional structures for social dialogue; this includes a review of the Social Dialogue Steering Committee and Labour Advisory Board, in order to make them effective and tripartite in nature in discharging their duties. This will be one of the priorities of this DWCP.

RECENT AND CURRENT ILO RESPONSE

ILO Swiss Project on social dialogue and conflict resolution – finalized.

The ILO Swiss project engaged in training constituents on joint negotiations or social dialogue and conflict resolution. While Swaziland has practiced social dialogue as an integral part of its society, it is only recently that efforts have been made to formalize it to bring about economic development. The ILO facilitated workshops on social dialogue for the social partners, the outcome of which was the formation of an interim committee on social dialogue, in 2005. This committee identified the need for political will in supporting social dialogue in Swaziland, to which end, the Ministry of Enterprise and Employment with assistance from ILO hosted a series of sensitization workshops on social dialogue focusing specifically on the policy makers.

³ Cited on Swaziland: Young People in the Fight Against HIV / AIDS. A Needs Assessment Report. January 2008

The hosting of the said workshops was heralded as a historic event in many aspects. This was the first time that trade unions and employers were given a formal audience to address the Swazi National Council. This was also the first time that trade unions and employers been given the opportunity to address members of both houses of Parliament

Some members of Parliament expressed satisfaction in having the opportunity to talk face to face with the trade union leaders with whom they previously held negative opinions. In the seven years since the setting up of the national Social Dialogue Committee, constituents in Swaziland do not all express satisfaction with the Committee's work so far. Workers have complained about the inability to collectively address the continued State of Emergency enacted since 1973 and the 2008 Terrorism Act. Furthermore the government unilaterally cancelled an important September 2009 Social Dialogue workshop for High Level members of the Committee, and is yet to announce a new date for same.

As a result the ILO is on standby to assist in improving the institutional capacity of the Social Dialogue Committee to enable it to effectively employ social dialogue strategies in national development work.

Project on the Improvement of Labour Systems in Southern Africa – finalized

In July 2006 the ILSSA project arranged a sub regional workshop in Pretoria where participants agreed on a broad strategy for exposing representatives of unions and employers to *Negotiating skills in the workplace*.

In Swaziland in 2006:-

A Local attorney was appointed to draft revised Rules for the Industrial Relations Court. The need for these was identified when the project sponsored an assessment of the Court in October 2004. The delay was caused as a result of the time taken by the Court to consider the various recommendations included in the assessment report and to identify a local expert who could draft the Rules.

A train the trainer workshop on national labour laws was held for representatives of employers, trade unions and government and 13 participants attended the workshop A detailed plan was developed and implemented for this training for constituencies.

Following the audit of the Ministry's administration functions and inspection services conducted by an earlier ILO the project, the project supported an exercise to assist the Ministry to develop a detailed implementation plan which was approved by the Labour Commissioner and implemented.

A two day workshop (by ILSSA) for journalists was conducted for 11 representatives from the media.

A sub-committee of the Project Advisory Committee was established and an action plan for creating awareness of national labour laws approved.

ILC Committee on Application of Conventions and Recommendations

At its 93rd Session (May-June 2005), the ILC Committee on Application of Conventions and Recommendations discussed the case of the application of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) by the Government of Swaziland.

Convention No. 87 was ratified by Swaziland in 1978. It is to be recalled that the Conference Committee had been discussing the application by Swaziland of this Convention since 1996 and in that year, a Direct Contacts mission had visited the country. In 2005, the Conference Committee adopted conclusions concerning the application of Convention No. 87 recommending, in particular, that the Government accept a High-level mission. The HLM accepted by the Government visited the country from 21 to 27 June, 2006 and it was required by the Conference to undertake the following tasks:

- a). Review the impact of the recently adopted Constitution on the rights embodied in Convention No. 87, including the issue of the effective repeal of the 1973 Proclamation and of the Decrees adopted there under. In so doing, the HLM should take into account the comments of the Committee of Experts on the Application of Conventions and Recommendations at its 76th session.
- b). Make suggestions towards the establishment of a meaningful framework for social dialogue, taking due account of the steps that had already been undertaken in this respect by the Government and the social partners.

Outcome of the 2006 High Level Mission (HLM)

The 2006 HLM proposed that a Special Consultative Tripartite Sub-Committee be set up, within the framework of the High Level Steering Committee on Social Dialogue established by the Social Dialogue Workshop (10-11 October 2005, Piggs Peak) to:

- Review the impact of the Constitution on the rights embodied in Convention No. 87 and make recommendations to the competent authorities to eliminate discrepancies that exist between existing legislative provisions and Conventions Nos. 87 and 98, taking into account all the comments of ILO supervisory bodies.

The tripartite partners signed an agreement as a result of the ILO HLM concerning the application by Swaziland of ILO Conventions on Freedom of Association (Annex 2). Taking into account some of the concerns expressed concerning the role of the Judiciary, the HLM wished to emphasize the importance of ensuring the total independence of the Judiciary as an essential component for the effective functioning of the rule of law.

The ILC Committee on Application of Conventions and Recommendations again discussed the compliance of the Swaziland Government with Conventions 87 and 98 and placed Swaziland under a special paragraph in 2009 for its continued contraventions.

Lessons learnt:

- Though Swaziland is up-to-date with its reporting to the Committee of Experts, it however, continues to regularly appear before the Committee of Experts for non-compliance with signed conventions.
- Though the Swiss and ILSSA projects did a lot of work in social dialogue and conflict resolution in Swaziland through training relevant officials, there are still very glaring decent work deficits under the strategic objective No. 4. This is a challenge that Swaziland especially government, together with the ILO must urgently address if the implementation of the Decent Work Country Programme is to be implemented successfully.

6. GOVERNMENT RESPONSE TO THE PREVAILING SOCIO-ECONOMIC SITUATION

The government has identified its developmental priorities in its major policy document, namely Smart Programme on Economic Empowerment and Development (SPEED).

This policy identifies poverty alleviation through employment creation, the fight against HIV and AIDS, and the achievement of the Millennium Development Goals as some of the key areas of development requiring major attention. Furthermore, Government's Programme of Action, 2008-2013, identifies priority areas of which are:

- Health (A Healthy Nation)
- Education (an educated Nation)
- Food Security
- Access to Water
- Decentralization (Improved Service delivery)
- Economic growth and job creation
- Protection and empowerment of vulnerable and disadvantaged groups
- The environment
- Poverty alleviation
- Safe and secure nation with reduced crime

To address the challenges confronting the country, the authorities have prepared the National Development Strategy (NDS, 1997-2022), which vision is to move Swaziland to the top 10 per cent of the medium human development group of countries founded on sustainable economic development, social justice and political stability. The national goals espoused in the National Development Strategy emphasize good governance, economic growth and social and human development.

Taking stock of progress to date, it is evident that despite the formulation of the NDS, for the past decade development planning still needs to be anchored on desired national consensus. Furthermore, the envisaged institutional framework for development statistics also needs further harnessing in order to address challenges in evidence-based policymaking and planning. An opportunity therefore, exists for a framework that seeks to integrate consensus making and evidence-based decision making into the national planning system.

Due to the lapse of time, increasing poverty with the underlying drivers of HIV/AIDS, drought and famine and unemployment, and in order to operationalize the implementation of the NDS the Government initiated a home-grown Poverty Reduction Strategy and Action Plan (PRSAP). This instrument now forms the central tool for national development planning. The PRSAP's overarching objective is to reduce the incidence of poverty in Swaziland from its current level of 66 per cent to 30 per cent by 2015, in line with the MDG and eliminate it by 2022. Although ambitious, this goal can be achieved with political commitment, and a willingness to harness resources from all stakeholders to implement the time-bound Action Programme.

The main pillars of the strategy include rapid acceleration of economic growth based on broad participation; empowering the poor with focus on youth and women to generate their own income; and, an equitable distribution of the benefits of growth through public spending.

The PRSAP also contains concrete projects and programmes, which are designed to generate income and create employment, combat the HIV/AIDS pandemic which has been declared as a national crisis and minimize vulnerability, and enhance agricultural production and food security.

The major shortcoming is that the National Development Strategy (NDS) was launched without an implementation framework. Certain aspects of the National Development Strategy were implemented through the Economic Social Reform Agenda (ESRA), the Millennium Action Programme (MAP), and the Smart Programme for Economic Development (SPEED) and more recently the Government's Programme of Action 2008-2013. Other national policies and programmes include Small and Medium Enterprises Policy, 2005, Privatization Policy, 2004 and the Decentralization Policy, 2006.

The 2005 - 09 Country Strategy Paper (CSP) for Swaziland based on Government's development agenda, has been prepared using the participatory approach that involves all stakeholders.

The government of Swaziland has stated its broad priority areas to which the UN and other development partners must respond to in aligning their support, under six pillars of the PRSAP which are hereby compared with the four pillars of the Decent Work Agenda below

Macro-economic stability and accelerated economic growth based on broad participation.

Table No. 1: PRSAP VIS A VIS DWA

Poverty Reduction Strategy and Action Programme	Decent Work Agenda
Pillar 1: Macroeconomic Stability and Accelerated Economic Growth based on Broad Participation	Articulating a shared national vision through meaningful tripartite plus Social Dialogue strategic objective 4
Pillar 2: Empowering the Poor to Generate Income and Reduce Inequalities	Employment and Basic Rights strategic Objectives 2 & 3 respectively
Pillar 3: Fair Distribution of the Benefits of Growth through Fiscal Policy	Social Dialogue strategic Objective 4 Requires gender responsive budgeting
Pillar 4: Human Capital Development	Social Security and Employment – (supply side) strategic Objectives 3 & 2 respectively
Pillar 5: Improving the Quality of Life of the Poor. Working out of poverty through employment creation	Social Security and Basic Rights strategic Objective 3
Pillar 6: Improving Governance and Strengthening Institutions	Social Dialogue and tripartism strategic Objective 4

A human resource management policy is at the core of the design. Skills deficits are also a serious development challenge in Swaziland.

Swaziland has a number of policies as enumerated above, to deal with the major development challenges. These policies are meant to respond to the medium-term priorities as set out in NDS viz Vision 2022, the compilation which was completed in 1997, and was launched by HMK in 1999, the National Policy on Employment, The Labour Force Survey 2007 – 2008, the HIV/ AIDS Strategic Framework (2003-2009)), Swaziland Country report - Monitoring the declaration of the Commitment on HIV and AIDS 2008.

Some of these policies are due for revision and require improved coordination to more efficiently respond to the macro-policy framework of the government as well as to improve impact. The Ministry of Labour and Social Security has already requested ILO assistance to set up the new Ministry as well as the Swaziland National Provident Fund into a national Pension Scheme. This is to eventually make the Ministry proficient and to increase social security coverage⁴. This focus should be seen in the context of the envisioned longer term impacts of the economic slowdown following the global economic crisis, which has threatened the levels of expected employment creation and economic stability in certain sectors.

⁴ Ministry of Finance and Development Planning Minister's 2009 Budget Speech.

Commitments made by Swaziland, namely SADC Protocol; the Ouagadougou Declaration Plan of Action and Follow-up Mechanism, (2004); and the Decent Work Agenda in Africa, 2007-2015; 11th African Regional Meeting, Addis Ababa 2007; linked to the Millennium Development Goals and the wider global Decent Work Development Agenda will be mainstreamed within the policy formulation process. Key in this process is the involvement of the social partners in the review and implementation of the national employment policy and related programmes of action. The gender and disabilities dimensions of the policy and gender-sensitive programmes and legislation, as well as gender mainstreamed action plans and related strategies will be prioritized, thus necessitating strengthening the linkages between the gender audit and Social Welfare Department under the Deputy Prime Minister. The umbrella employment policy framework will outline the elements of sectoral and labour market policies, including skills development and employability, small and medium enterprise development and productivity, the informal sector, rural employment, local economic development (LED), the employment intensity of the public investments, youth and women's entrepreneurship, promoting sustainable enterprises, business support, advocacy and career guidance. This will help to ensure greater access to employment and self-employment opportunities targeted at vulnerable groups (young women and men, people with disabilities and HIV and AIDS), and the need for their integration into the labour market.

The revised employment policy framework will support the establishment of a functional Labour Information System to update, collect, analyze and disseminate labour market information in a timely manner for users of labour market indicators. This includes monitoring and evaluating the trends in the informal economy and supporting policy action to facilitate the transition to formality. Capacity building of the staff and advisory services will be used to strengthen the existing competencies in the area of information-gathering, analysis and dissemination as well as in policy and programmes design and implementation.

Studies in the Southern Africa region and beyond have shown that infrastructure has the highest potential in creating employment and business opportunities to the target groups thus leading to stimulating local economic activity. Through the decent work country programme, the ILO will support the government's strategy of creating increased decent and productive employment and business opportunities through infrastructure investments, which has already commenced in Swaziland.

7. PROFILES OF THE TRIPARTITE PARTNERS

7.1 Government – Ministry of Labour and Social Security

Until recently the portfolio responsibilities for Labour Administration and Industrial Relations in Swaziland were attached to the Ministry of Enterprise and Employment as the Department of Labour. In 2008 The government of Swaziland set up a new Ministry of Labour and Social Security, whose organizational design consists of three departments which manage the core services of the Ministry; Departments of Labour, National Employment and Social Security. A request has been submitted to the ILO to post an expert at the Ministry, for a period of up to three months to assist with setting up the new Ministry.

7.2 Employers' Organizations

- i). The Federation of Swaziland Employers and Chamber of Commerce (FSECC) has 500 members – comprising all enterprises: large, medium and small businesses.
- ii). The Federation of Swaziland Business Community (FESBC) has 29 organizations as well as individual members.

7.3 Workers' Organizations

- i). The Swaziland Federation of Trade Unions (SFTU) has 25,000 members in 17 affiliated unions.
- ii). The Swaziland Federation of Labour (SFL) has 18,000 members, and 12 affiliated unions.

8. UNITED NATIONS DEVELOPMENT ASSISTANCE FRAMEWORK (UNDAF) IN SWAZILAND

The current UNDAF for Swaziland ends in 2010, and the launch of the new 5 year cycle 2011 – 2015 is imminent. The priorities of the current UNDAF are: HIV and AIDS; Poverty Reduction; Food Security; Basic Social Services (mainly health and education) and Governance. They are inline with ILO DWCP priorities

The process of preparing this UNDAF 2011-2015 was participatory and inclusive. It involved extended consultations with the Government, Development Partners and NGOs, undertaken under the overall guidance of the UNDAF Joint Steering Committee co-chaired by the Government and the UNCT. The UNDAF is also the result of the consensus reached by the United Nations Country Team and validated by key stakeholders.

The elaboration of this United Nations Development Assistance Framework (UNDAF) covering the 2011-2015 period was informed and guided by the broader national priorities as articulated in that vision 2022 and national development programmes of Swaziland. This UNDAF is the vehicle for strategic partnership and resource planning which will drive the programmes under which the UN Country Team (UNCT) will support Swaziland in the realization of its development goals. This UNDAF, built on four pillars of HIV and AIDS; Poverty and Sustainable Livelihoods; Human Development and Basic Social Services; as well as Governance is fully aligned with national priorities and the PRSAP, the NDS and the Government's Action Programme -2008-2013.

Some of these priorities link very well with ILO's identified areas of priority namely: social protection, employment, and social dialogue.

UNDAF Pillar	UNDAF Outcomes	ILO PRIORITIES
1. HIV and AIDS	To contribute to reduced new HIV infections and improved quality of life of persons infected and affected by HIV by 2015	Social Security
2. Poverty and Sustainable Livelihoods	Increased and more equitable access of the poor to assets and other resources for sustainable livelihoods	Employment
3. Human Development and Basic Social Services	Increased access to and utilization of quality basic social services, especially for women, children, and disadvantaged groups	
4. Governance	Strengthened national capacities for the promotion and protection of rights	Social Dialogue

The ILO is looking at the various clusters for more meaningful involvement, mainstreaming of decent work, better use of the RC's office, collaborative work with other (SA based) non-resident or specialized agencies

9. OTHER TECHNICAL PROJECTS IN SWAZILAND 2000 TO CURRENT

- i) Capacity Building for Women's Cooperative Entrepreneurship in the Kingdom of Swaziland, on going.
- ii) USDOL (PEPFAR) Project on HIV and AIDS Workplace Education Programme, on-going.
- iii). Towards the Elimination of the Worst Forms of Child labour - pipeline (resource mobilization).
- iv). The WEDGE enabling environment research in Swaziland (with the Employers FSE &CC).
- v). Regional Conflict Management and Enterprise Based Competitiveness in Southern Africa - finalised
- vi). Employment of People with Disabilities: The Impact of Legislation, (Southern Africa) – finalised.

10. DWCP FORMULATION PROCESS IN SWAZILAND

10.1 Country Situation Analysis (2008)

The formulation of the DWCP for Swaziland started with the development of the Terms of Reference for the necessary consultancy to conduct a country situational analysis. This was followed by selection of a suitable consultant, whose first draft document was shared with the constituents for their inputs. The document identified employment, social protection and social dialogue as priority areas of development encompassed in development frameworks of Swaziland and raised by relevant organizations and government in interviews.

10.2 Consultation Missions (2009)

The ILO Pretoria, Harare and Addis Ababa embarked on an introductory high level mission to Swaziland in February 2009, followed up by supplementary missions in March and April, to engage ILO constituents and partners in discussions to address emergent issues in the country situational analysis. These consultation missions engaged in extensive discussions with ILO constituents including other relevant Ministries, personnel and institutions. Another consultation mission to the country comprising the Director and the Workers' organizations' Senior Specialist was undertaken to confirm the results of the consultations.

The ILO tripartite partners contributed to the formulation of the DWCP initially through inputs into the country situation analysis and through sharing their concerns during the various high level missions to Swaziland. Social dialogue, Employment, HIV and AIDS and social security were universally identified as areas of priority for all the constituents alike. Follow-up consultations by the ILO included attending the UNCT UNDAF review retreat. The major outcome of which is ensuring full ILO participation in the UN joint programming, and aligning the DWCP priorities with the UNDAF and national priority areas. This has facilitated the development of a DWCP which reflects the priorities of the tripartite constituents in Swaziland that are fully aligned to the UNDAF and the NDS and PRSAP.

10.3 DWCP Document (2009):

The DWCP for Swaziland was developed by the ILO Pretoria office with inputs from other relevant ILO offices, constituents, partners and other stake holders from the validation workshop held in Mbabane, Swaziland on July 09. The final signing of the document is slated for October 2010.

DWCP Priorities, Outcomes, Indicators of Achievement, Outputs and Activities

During the national consultative workshop held in July, 2009 the main priorities, outcomes and outputs of the Swaziland Decent Work Country Programme were validated and adopted and reaffirmed in September 2009.

Priorities:

- i) Employment, ii) Social Protection (Social Security and HIV and AIDS) and iii) Social Dialogue are the main priorities for ILO support in the context of the DWCP 2010 – 2015. International labour standards will, however, be addressed as the need arises.

The Outcomes for the three Priorities are:

- a). Sustainable enterprises create productive and decent jobs
- b). Enhanced capacity of ILO constituents through social dialogue, tripartism and labour market governance to promote and contribute to effective national social dialogue and sound industrial relations on social, labour and economic development policies and programmes, with focus on international labour standards and follow up on comments of supervisory bodies

- c). More people have access to better managed and more equitable social security benefits
- d). Workers and employers enterprises benefit from improved safety and health conditions at work
- e). The world of work responds effectively to the HIV and AIDS epidemic
- f). Strengthened institutional capacity of employers' organizations
- g). Strengthened institutional capacity of workers' organizations
- h). Strengthened capacity of member states to ratify and apply international labour standards and to fulfill their reporting obligations

i). Child labour

Priority No. 1 Employment Promotion at the Centre of Decent Work Programme

Outcome 1: More women and men have access to productive and decent employment through inclusive job-rich growth.

Indicators of Achievement:

- a). The Swaziland Government, in collaboration with Workers and Employers Organizations, have integrated national sectoral or local employment policies and programmes in their policy frameworks.
- b). Labour market information systems in Swaziland measure unemployment rate including gender disaggregation on a regular basis.
- c). Employment-intensive infrastructure programmes for local development in Swaziland create decent jobs.
- d). The Government, Employers' and Workers' organizations in Swaziland have taken initiatives in policy areas that facilitate transition of informal activities to formality.

The strategy is to develop and implement an employment policy framework which will put employment creation at the centre of macro-economic policies. The policy review process will be informed a number of documents including: The 1994 National Development Strategy encompassing Vision 2022, the Economic and Social Reform Agenda, The Smart Partnership Programme for Economic Development; the Government Programme of Action (2008 – 2013); Small and Medium Enterprise Policy, 2005; Privatization Policy, 2004; Decentralization Policy, 2006; and the Poverty Reduction Strategy and Action Programme, prepared by the Ministry of Economic Planning and Development, 2006 and the Labour Force Survey of 2007. The strategy then is principally to ensure that employment policies and strategies are embedded within the national vision, development strategies and UNDAF.

Experience in the ILO shows that those countries which succeed in improving the employability of women and men and the productivity of enterprises: align training and skills development to demand in the labour market; assure equality of opportunity in access to initial training and lifelong learning; and prepare for anticipated changes in occupations and industries. This requires policy coordination and sustainable institutions.

The strategy is to build on the draft Technical Vocational Education and Training (TVET) policy that has been developed and approved by the Swaziland Government. The ILO will:-

provide policy advice and technical assistance to complement the efforts of government of Swaziland in developing skills development TVET policy; promote strengthening of the interaction and dialogue among government, training institutes, employers' organizations, trade unions and civil society organizations in the field of skills development; assist in staff development /capacity building in developing and implementing policies and programmes; extend support to implementing the recommendations of the policy whilst the TVET policy will be integrated in to national development strategies.

Tackling youth unemployment which is a major problem in Swaziland requires a separate and focused youth employment strategy. The ILO is working with other UN agencies, the World Bank and leading countries in the Youth Employment Network (YEN) to promote national youth employment action plans based on the specific country situation, challenges and opportunities regarding youth employment, from which lessons will be extracted for Swaziland. In addition, focus on gender issues is important and in particular in the case of Swaziland, where young women have the highest unemployment rate in the country. The process of establishing a national action plan begins with the establishment of a national steering committee and the commencement of a national assessment on the youth employment situation and the related gender dynamics, followed by recommendations for next steps to be considered by the national steering committee, to include ILO technical support based on best practices from other countries.

Output 1.1: Employment policies and strategies are imbedded within the national vision, development strategies and UNDAF

Proposed activities:

- a) Carry out a an employment diagnostic analysis to determine binding constraints and of course opportunities to ensure that growth is inclusive and job-rich with particular emphasis on women
- b) Study on the impact of the global economic crisis
- c) Develop an employment policy and strategies;
- e) Mainstream employment into national visions, development strategy and UNDAF
- g) Implement the National Employment Policy

Output 1.2: Labour Market Information and analysis system strengthened

Proposed activities:

- a) Establish a functional Labour Market Information and Analysis System
- b) Establish a Committee of the producers and users of information;
- c) Enhance Government officials' capacity in data collection, analysis and dissemination

Output 1.3: Employment intensive investment programmes implemented

Proposed activities:

- a) Review impact and potential of using employment-intensive multi-sectoral approaches towards employment creation and poverty reduction

- b) Develop strategies for multi-sectoral application of employment intensive approaches in a more sustainable and effective manner developed
- c) Implement multi-sectoral employment intensive approaches

Output 1.4: Informal economy promoted to the formal economy.

Proposed activities:

- a) Identify the constraints that inhibit transition from informal to formal economic activities within the revised employment policy
- b) Develop and implement practical measures (the adequacy of the regulatory framework and its enforcement; entrepreneurship, skills and financial support; extension of social protection; and representation and organization) to facilitate the transition of business activity from informal to formal activity. in at least two of the following policy areas:

Output 1.5a: Skills development strategy developed and implemented

Proposed activities

- a) provide policy advice and technical assistance to complement the efforts of government of Swaziland in developing skills development TVET policy;
- b) promote strengthening of the interaction and dialogue among government, training institutes, employers' organizations, trade unions and civil society organizations in the field of skills development;
- c) assist in staff development / capacity building in developing and implementing policies and programmes;
- d) extend support to implementing the recommendations of the policy whilst the TVET policy will be integrated in to national development strategies.

Output 1.5 b: Technical Vocational Education and Training policy finalized U

Proposed activities:

- a) Provide technical inputs for formulating policy
- b) Participate in the stakeholders' workshops and meetings Support formulating strategies for the implementation of the National Policy and developing programmes.
- d) Strengthen the interaction and dialogue among government, training institutes, employers' organizations, trade unions and civil society organizations.

Output 1.5c: Capacity in developing and implementing skills development policy and programmes strengthened.

Proposed activities:

- a) Train key personnel in developing and implementing skills development policies and programmes.
- b) Present international good practices.

Output 1.6: Youth employment strategy developed and implemented U

Proposed activities:

- a) Formulate the Youth Action Plan using the ILO Guidelines for Developing National Action Plans on Youth Employment and recommendations of the Sub-regional YEC that was held in 2005 in Harare with particular emphasis on the young girls
- b) Assess key constraints to be addressed with particular emphasis on the young girls and the resources required.
- c) Establish national institutional framework for the implementation, monitoring and evaluation of the youth employment strategy
- d) Validate the youth action plan at a national workshop with particular emphasis on the young girls.
- e) Implement the youth action plan with particular emphasis on the young girls.

Output 1.7: Productive and decent jobs created through Sustainable enterprises

The intervention strategy builds on the systemic enterprise development strategy of the ILO. Four levels of interaction are distinguished:

1. The Meta-level is constituted by stakeholders that shape the value systems and perceptions held by the people within the system boundaries; examples for meta-level stakeholders are schools, mass media and community leaders
2. The Macro-level of the system is captured by stakeholders with a mandate for defining and coordinating a conducive policy and regulatory framework for doing business within the set system boundaries. Examples for these macro-level stakeholders are Department of Labour, and national umbrella bodies set up by employers and workers
3. The Meso-level of the system is constituted by stakeholders with a mandate to facilitate or physically delivery of business support services, be they financial and non-financial in nature. Examples for business support organizations are industry associations (facilitators), and consultancy companies or vocational training institutes (providers).
4. The Micro-level of the system is made up by the stakeholders directly involved in the market exchange for a good or service, either by taking a stake in the production and provision of the product, or by buying it.

Based on the framework above, the systemic enterprise development approach promoted by ILO emphasizes multi-level interventions that are tailored to the specific needs of the core stakeholders at each system level. Also, the intervention aims at reinforcing the linkages between stakeholder groups and across system levels by means of social dialogue.

Output 1.8: Rural economic development promoted through tourism.

Proposed Activities:

- a) Design of a sector specific business development programme focusing on meso-level and micro-level interventions on clusters of small- and medium scale tourist lodges with particular emphasis on women in business.
- b) Build these clusters of tourist lodges into growth nodes for local economic development with particular emphasis on women in business.

- c) Use ILO Local Economic Development (LED) approach to mobilize lodge owners/operators as well as surrounding rural communities to support the joint initiative with particular emphasis on women in business.
- d) Introduce selected LED tools to progressively empower the community and the lodge operators to jointly explore and next exploit micro business development opportunities linked to the operations of the lodges proper, with a focus on the creation of green jobs, e.g. by growing and supplying organic food or by supplying community based environmentally sustainable tourism services.
- e) Train Lodge operators on workforce centered productivity improvement training programmes that boost business profitability while at the same promoting employment equity. The proposed intervention will be closely linked to the Sustaining Competitiveness through Responsible Enterprise (SCORE) programme currently implemented in South Africa. SCORE South Africa has a focus on clusters of small- to medium-scale wildlife tourist lodges in, among others, North-West Province. The intention is to facilitate linkages between these businesses in a cross-border exercise.

Output 1.9: A more competitive textile industry retains its local manufacturing base

Proposed Activities

- a) Design of a sector specific productivity improvement programme geared towards small and medium-scale export-oriented manufacturing businesses with particular emphasis on women in business in the Garment industry, for implementation through the tripartite Swaziland National Productivity Improvement Center.
- b) Develop meso-level interventions meant to boost quality and volume of outputs and cut input costs through workforce centered productivity improvement programmes that emphasize on workplace cooperation.
- c) Build the programme to follow the model established by the global ILO Factory Improvement Programme and implemented successfully in India, Cambodia, Sri Lanka and South Africa, among other countries.

Output 1.10: The empowerment of indigenous small-scale construction businesses.

Proposed Activities

- a) Develop a sector-specific project to assist indigenous entrepreneurs with particular emphasis on women in business to step by step formalize and then expand their construction businesses.
- b) On the meta-level, the programme will seek to raise awareness of, appreciation for, the benefits of compliance among construction SME;
- c) On the macro-level, the programme will seek to fine-tune the Policy, Legal and Regulatory Framework (PLRF) for the local construction industry so that semi-formal construction businesses can progressively phase in compliance and meet industry service standards with particular emphasis on women in business;
- d) On the meso-level, the programme will strengthen the capacity of local business support service providers to train and advise semi-formal construction businesses on how to progressively meet industry service standards and comply with laws and regulations with particular emphasis on women in business;

- e) On the micro-level the programme will seek to link small-scale construction businesses up with prospective clients, both at the level of municipal authorities and with corporate business.

Output 1.11: A thriving social economy promoted

Proposed Activities

- a) Develop an intervention to boost the development of social businesses in Swaziland.
- b) At the macro-level, to encourage informed debate on the enabling environment for social enterprise development.
- c) Facilitate action research on the enabling environment for social entrepreneurship worldwide and in Swaziland,
- d) Develop a draft set of recommendations for changes to the policy, regulatory and institutional framework for social enterprise development.
- e) On the meso-level, to develop appropriate business development service products for potential social entrepreneurs in collaboration with local business development service (BDS) facilitators and suppliers, on the micro-level, stimulate awareness of social enterprise and demand among potential social entrepreneurs for social enterprise training and advisory services.

Output 1.12: Know About Business (KAB) introduced and expanded

Proposed activities:

- a) KAB programme pilot tested in a few vocational schools and adapted to the national situation.
- b) Based on the results of the pilot test KAB rolled out through out the country.

Priority No 2: Social Security

Swaziland is one of the countries in Southern Africa without a national social security policy. Requests made by social partners during the consultative missions include:-

- Development of the Swaziland social security policy
- Conversion of the national Provident Fund into a national social security scheme
- Development of the structure of the new Ministry of Labour and Social Security (Organogram) and the classification of occupations.
- Finalization of the OSH policy which was commenced with the Ministry of Health with WHO support
- Integrated training of newly employed Labour Inspectors focusing on OSH and HIV/AIDS.

Outcome 2: More people have access to better managed and more gender equitable social security

Indicators of Achievement

- a) The Swaziland Government, with ILO support and develop policies improving social security coverage, notably for excluded groups.

- b) The Swaziland Government, with ILO support, improves the legal framework, general and financial management and tripartite governance of social security in line with international labour standards.

Output 2.1: Social security policy finalized.

Proposed Activities

Revised social security policy

- a) New social security policy reviewed by a national workshop and adopted.

Output 2.2: National Provident Fund converted into a National Social Security Scheme.

Proposed Activities

- a) Actuarial assessment of the feasibility of the proposed conversion of the National provident Fund undertaken.
- b) The actuarial assessment reviewed by a tripartite committee and a decision on whether to convert or not undertaken through social dialogue.³
- c) The steps to be followed in the conversion process outlined and agreed to by the tripartite partners
- d) The conversion undertaken

Outcome 3: Workers and enterprises benefit from improved safety and health conditions at work

Indicator of Achievement:

The Swaziland Government, in collaboration with Workers and Employers, adopt policies and programmes to promote improved safety and health at work.

The Swaziland Government, in collaboration with Workers and Employers, with ILO support, reduces the accident rates at the workplace by implementing programmes to promote improved safety and health at work.

Output 3.1: National Occupational Safety and Health policy formulated and implemented

Proposed Activities:

- a) Undertake an OSH profile
- b) Develop a draft national OSH programme for review and adoption by the tripartite constituents.

Output 3.2. New OSH policy popularized and implementation supported

Proposed Activities

- a) Provide OSH policy information to all stakeholders through various media.
- b) Form safety and health committees at workplaces and train workers especially, to fully participate in the implementation of the OSH procedures.

Output 3.3. Capacity building for the labour inspection department strengthened to supervise OSH practices at enterprise level.

Proposed Activities

- a) Formulate an effective, occupational accidents and diseases notification classification and reporting system.
- b) Train Labour inspectors in the new OSH policy and procedures

HIV and AIDS

Outcome 4: The world of work responds effectively to the HIV/AIDS epidemic

Indicators of Achievement:

- a) The Swaziland Government, in collaboration with Workers and Employers, develop a national workplace policy on HIV/AIDS or labour legislation in line with the ILO HIV/AIDS standard.
- b) The Swaziland Government, in collaboration with Workers and Employers, take significant action to implement HIV/AIDS programmes at workplaces.

Output 4.1: A strategic framework on HIV and AIDS in the workplace in place

Proposed activities:

- a) Conduct advocacy and sensitization workshops for board members of businesses and chief executives on responding to the pandemic through commitment to policy implementation and leveraging resources for scaling up implementation of HIV and AIDS programmes;
- b) Conduct capacity building workshops for businesses and trade union leadership and orientate them on issues of representation and effective participation into national development dialogue to ensure that the needs of their constituents are considered and included in national development plans with particular emphasis on women;
- c) Carry out an economic impact assessment of HIV and AIDS on identified key sectors in Swaziland to use as an advocacy tool and for planning and strategizing business response to HIV with particular emphasis on women;
- d) Conduct knowledge, attitudes and practices surveys in key sectors to assess levels of risks to infection and identify gaps in implementation with particular emphasis on women.
- e) Support the development of private sector monitoring and evaluation framework linked to the national monitoring and evaluation system
- f) Support the review of labour inspection forms to include HIV and AIDS and train labour and factory inspectors to foster compliance in the workplace for education programmes with particular emphasis on women.

Output 4.2: A national HIV and AIDS policy supported and implemented

Proposed activities:

- a) Conduct sensitization and orientation workshops for leadership and decision makers in government, trade unions and employers organization on the upcoming ILO Recommendation on HIV and AIDS with particular emphasis on women.;
- b) Hold consultation meetings to review the Labour Code on HIV and AIDS to motivate for its adoption and implementation;
- c) Conduct workshops with the Ministry of Labour leadership and labour and factory inspectors to consider revising the inspectorate form to include HIV and AIDS aspects;
- d) Facilitate implementation of sectoral and enterprise level policies and programmes on HIV and AIDS in identified priority sectors such as the Small and Medium Enterprises and the informal economy through enhanced capacity of constituents to develop and implement workplace policies and comprehensive time bound HIV and AIDS programmes with particular emphasis on women;
- e) Conduct capacity building sessions for employers and workers organizations to reflect HIV and AIDS needs into their policies/strategies, including collective bargaining will be enhanced as well as identification and documentation of private sector initiatives and best practices on HIV and AIDS to enhance scaling up of universal access to HIV prevention treatment care and support;

Output 4.3: Social partners' capacity built to develop and implement gender sensitive HIV and AIDS workplace policies and programmes

Proposed activities:

- a) Conduct training workshops for workers and employers organizations on how to develop comprehensive gender sensitive workplace policies and programmes;
- b) Identify and train informal sector associations on HIV and AIDS programme development to facilitate implementation of simplified education and awareness behaviour change interventions such as peer education;
- c) Conduct policy sensitization and advocacy workshops for enterprise level management to ensure leadership commitment and resource leveraging at enterprise level;
- d) Conduct negotiation skills training workshops to strengthen the capacity of trade union leadership and shop steward to include HIV and AIDS into their bargaining agreements;
- e) Conduct skills development workshops on how to identify and document best practices to enhance scaling up universal access to prevention, treatment care and support programmes on HIV and AIDS.

Priority No 3: Social Dialogue

Outcome 5: Tripartism and strengthened labour market governance contribute to effective social dialogue and sound industrial relations in Swaziland

Indicators Achievement:

- a) The Swaziland Government, in collaboration with Workers and Employers, strengthen social dialogue institutions and mechanisms in line with international labour standards.
- b) The Swaziland Government, in collaboration with Workers and Employers, strengthen machinery dealing with collective bargaining and labour disputes settlement in line with international labour standards.

Social dialogue is key to achieving decent work as well as implementing the overall development objectives. The strategy is on the one hand to strengthen the Government, Workers and Employers' organizations to effectively support their members and to influence socio-economic policies and labour market governance. On the other hand, the strategy seeks to promote core labour standards embedded in sound industrial relations through effective social dialogue mechanisms, effective recognition and implementation of freedom of association and the right to collective bargaining.

Swaziland has a National Steering Committee on Social Dialogue (NSCSD) chaired by the Minister for Labour and Social Security, mandated to promote partnership between the government, business and civil society. The Committee is supposed to meet twice a year to discuss and resolve major issues affecting the business environment caused by major policies. Since February 2010 the Committee has been meeting regularly. A schedule of monthly meetings has also been agreed. The strategy for improved social dialogue institutions and mechanisms is therefore, to discuss a workable institutional arrangement in which tripartite social dialogue is strengthened and made more efficient and effective from policy-advice, employing common strategies to deal with issues such as employment promotion, decent work, diversification of the economy, and mitigating the impact of the global economic crisis.

Output 5.1: Social Dialogue institutions strengthened

Proposed activities:

- a) Consult and assist constituents to improve social dialogue institutional body/ies and mechanisms
- b) Strengthen the capacities of the Industrial Labour Court in collaboration with national constituents
- c) Train Principal Secretaries and other identified officials on social dialogue.

Output 5.2 Up to date labour legislation applied and effective services provided by Swaziland Labour Administration.

Despite a number of training sessions for labour inspectors, the Ministry has faced the challenge of skills deficits due to high turn-over of qualified personnel

Output 5.3 Labour inspection system strengthened

Proposed activities:

- a) Develop an implementation matrix of the labour inspection audit report, in consultation with the tripartite partners
- b) Train labour inspectors in modern inspection techniques;
- c) Finalize an inspection policy;
- d) Promote ratification of Labour Inspection Convention, 1947 (No. 81) and Labour Administration Convention, 1978 (No. 150);
- e) Develop an education and dissemination strategy of key provisions of national labour law.

Output 5.4: Employers have strong, independent and representative organizations

Indicator of Achievement:

- (i) FSECC adopts a strategic plan to increase effectiveness of their management structures and a practice to FSE/CC creates or significantly strengthen services to respond to the needs of existing and potential members.
- (ii) FSECC has enhanced capacity to analyze the business environment and influence policy development at the national, regional and international levels.

In order for social dialogue to happen, the parties to dialogue have to be strong and independent. Strong and effective employers are essential for good governance. They can promote policies conducive to the creation of sustainable and competitive enterprises and an entrepreneurship culture, which are the basis for development and economic growth. Without sustainable enterprises and employment there can be no decent employment. The strategy is to build on FSECC's previous experiences and lessons learned, to strengthen its organizational structure and internal management systems of employers' organizations, enabling them to develop new and improved services that make them more valuable to member enterprises. Strategic planning and staff competence building are essential in pursuing this aim. A new twinning programme will also facilitate knowledge sharing and transfer between employers' organization. The programme will build on an executive management and Effective Employers Organization training programme. A sub-regional research study on the impact of the global financial crisis on businesses will also be undertaken in which Swaziland is part. This will involve partnerships with academic institutions.

Output 5.5: FSE/CC improves communication with its membership

Proposed activities:

- a) Assess the current communication strategy of FSE/CC with regard to interactive communication
- b) Develop an interactive website
- c) Develop a Communication Strategy to meet the gaps in Communication to disseminate information

- d) Develop a member relationship management system (Client Relationship Management -CRM) that is integrated with the website as well as the overall communication strategy

Output 5.6: SFE/CC extends and improves representation and services to SME's

Proposed activities:

- a) Conduct a study on the nature and needs of SME's and the nature of services FSE/CC could provide
- b) Hold workshop to validate the study
- c) Implement the proposals set out in the study
- d) FSECC revises its structure to improve the representation of SMEs

Output 5.7: A research study is conducted on the impact of the global financial crisis on the business environment and employment in Swaziland as part of a sub-regional-wide study

Proposed activities:

- a) A researcher from one of the research institutions in Swaziland is employed to undertake the study
- b) A tripartite national workshop held on the findings of the study and recommendations adopted mitigate the impact of the financial and economic crisis.
- c) The Swaziland study is integrated into a sub-regional study and published
- d) A regional workshop held on the findings of the study and recommendations adopted mitigate the impact of the financial and economic crisis.

Outcome 6: Workers have strong, independent and representative organizations

Indicators of Achievement:

- a. SFTU and SFL include the Decent Work Agenda in their strategic planning and training programmes
- b. SFTU and SFL achieve greater respect for fundamental workers' rights and international labour standards through their participation in policy discussions at national, regional or international levels

In line with the Social Justice Declaration, trade unions will be assisted in placing the four integrated components of decent work at the centre of sustainable national development and global governance. The strategy is to assist the SFTU and SFL in consensus-building on national and international policies impacting on employment and decent work strategies, and in making labour law and institutions effective, including in respect of international labour standards. Special attention will also be given to issues such as incorporating a gender perspective in trade union work, social protection, HIV and AIDS at the workplace, sustainable environmental practices and green jobs, social responsibility of business, including global social dialogue based on the MNE Declaration, child labour and forced labour.

Output 6.1: SFTU and SLF have incorporated the Decent Work Agenda in their strategic planning and training programmes

Proposed activities:

- a) Support SFTU and SFL to develop strategic planning for members incorporating the DWA
- b) Support SFTU and SFL to implement training programmes for members on DWA

Output 6.2: SFTU and SFL have greater knowledge of fundamental workers' rights and international labour standards

Proposed activities:

- 1) Support SFTU and SFL to conduct training for its members on fundamental workers' rights and international labour standards.
- 2) Support SFTU and SFL to review the implementation status of current International Labour Conventions which Swaziland has ratified and to actively participate to promote their implementation where needed

RATIFICATION AND MONITORING OF ILO CONVENTIONS

Swaziland has ratified 31 conventions (Annexed), including all eight core instruments of the ILO. This cannot, however, be said to have improved access to rights and compliance with international labor standards. Swaziland has not always fully complied with Conventions No.s 87 and 98.

The ILO will assist Swaziland constituents with any requests regarding ratification, domestication and monitoring of conventions and the labour inspectorate, whilst taking the economic and financial crises into consideration to ensure that it introduces instruments and processes to ensure that labour standards are not eroded. Special emphasis will be on the promotion of the gender equality conventions.

Outcome 7: Child labour, forced labour and discrimination at work are progressively eliminated

Indicators of Achievement:

- a. The Swaziland Government, in collaboration with Workers and Employers, take significant action to eliminate child labour in line with ILO Conventions and Recommendations
- b. The Swaziland Government, in collaboration with Workers and Employers, implement specific laws, policies, programmes or actions, leading to improved application of Conventions, principles and rights or non-discrimination

Swaziland has ratified all the ILO fundamental Conventions, one priority Convention (C144) and a number of up-to-date instruments on freedom of association (C151), wages (C95 and C173), working time (C14), and occupational safety and health (C176). Despite a good

ratification record, there is slow progress in terms of domesticating the ratified conventions into national laws. As a result, there are a high number of comments by the supervisory bodies on the ratified conventions.

The strategy is to raise awareness and to provide training programmes on international labour standards. The ILO will provide the necessary support which would be an essential first step for a better implementation of ratified conventions. This could be done mainly through tripartite seminars and advisory missions aimed at information provision and expert advice on possible legislative reform to address the relevant comments of the Committee of Experts. Special needs in this regard have been expressed by the constituents in relation to the fundamental conventions, Occupational Safety and Health, labour inspection and rights at work in general. Awareness-raising and training should be addressed to the government and the social partners but also bodies like the judiciary and parliamentarians. The strategy will aim to build on existing programmes like APEC (Action Programme on the Elimination of Child Labour), KAB (Know your Business), and the lessons learned from projects such as ILSSA (Labour Systems in South Africa), should be taken into account in this framework.

Labour policy and law developments have been dynamic in Swaziland, and there is still a challenge to effect more legal changes. The ILO constituents are encouraged to ratify Convention 122 on the promotion of employment and C129 on Labour Inspection in Agriculture.

Output 7.1: The tripartite Constituents in Swaziland are assisted in implementing the Action Programme on the Elimination of Child Labour

Proposed Activities:

- a) Constituents supported in the implementation of the national Action Plan on the Elimination of Child Labour
- b) Awareness-raising activities on the issue of child labour in Swaziland, such as the commemoration of the World Day of Child Labour (annually on 12 June)

Output 7.2: The tripartite Constituents in Swaziland have improved capacity to implement existing labour Conventions and to ratify new Conventions

Proposed Activities:

- a) Capacity building to ratify new conventions/ratification of new conventions.
- b) Steps towards the implementation of comments made by the supervisory bodies on ratified conventions
- c) Improved implementation of ratified conventions.
- d) Improved capacity to report on ratified conventions.
- e) Strengthened enforcement of labour laws
- f) Promotion of the gender equality conventions.

11. RESOURCE MOBILIZATION

The resources for Swaziland DWCP will be raised from the following sources:

- The tripartite constituents: Government, employers' organizations and workers organizations;
- ILO Regular Budget in ILO Pretoria and headquarter departments;
- Regular Budget for Technical Cooperation (RBTC) through global resource mobilization by headquarter units, such as ILO/ AIDS, Social Protection Sector, Sectoral Activities, Cooperative Branch, Small Enterprise Development Team, etc.;
- Global resource mobilization: Resources raised by ILO headquarters in support of the DWCP;

Local resource mobilization:

- UN System in Swaziland;
- Government through bidding channeled through the budget support system;
- Donor community (e.g. EC and African Development Bank).

The ILO will share the responsibility for resource mobilization with Government and the Social Partners to expedite the timely implementation of projects and activities emerging from the DWCP. To this end, resources will be mobilized from multi-lateral donors, internal ILO funding, and at times through cost sharing mechanisms with Government and the Social Partners. Project formulation, implementation and management will be done in partnership with Government and the Social Partners.

12. CROSS CUTTING ISSUES

In the implementation of the DWCP in Swaziland all cross-cutting and cross-sectoral issues such as Gender, HIV and AIDS, disabilities and Human Rights Based Approach must be mainstreamed into all programming and projects.

13. MANAGEMENT AND INSTITUTIONAL ARRANGEMENTS

(i) Decent Work Country Programme Steering Committee

The formulation, implementation and management oversight role for the Swaziland Decent Work Country Programme (DWCP) will be driven by a DWCP Steering Committee. The DWCP Steering Committee is comprised of key representatives from Government, Organized Labour, Business and Community.

The DWCP Steering Committee will convene at least twice a year to monitor and review implementation of the DWCP.

The DWCP Steering Committee will oversee the formulation and planning of projects and activities developed within the framework of the DWCP and to approve projects before their implementation. This will be done to ensure that projects and activities formulated reflect constituents' priorities. Furthermore, in planning for the implementation of the DWCP, the

DWCP Steering Committee will engage in a prioritization of programme outcomes and outputs for implementation during the first and second bienniums in the DWCP cycle.

Thematic Advisory Committees

The DWCP Steering Committee can, on an ad hoc basis, convene Thematic Advisory Committees for each of the priority areas of the DWCP where required to provide technical guidance. Membership of the ad hoc Thematic Advisory Committees will be determined by the DWCP Committee.

Project Advisory Committees

Project Advisory Committees may also be set up to provide project specific technical guidance and support and each will comprise of the relevant project partners representing Government and the Social Partners, relevant donor agency funding the project, ILO Management, Technical Specialists and a National Project Coordinator.

(ii) Role of the ILO

The ILO Pretoria Office Director and DWCP Manager

The Director in the Pretoria ILO Office will assume overall responsibility for managing the implementation of the Decent Work Country Programme in close consultation with the DWCP Committee of the DWCP. A dedicated DWCP Manager will be appointed to manage and coordinate the implementation of the DWCP on behalf of and reporting to the ILO Director. Based in the Programming Unit of the ILO Pretoria Office, the DWCP Manager will be the key point of contact for the DWCP.

ILO Specialists, Regional Office for Africa and Technical Departments in Geneva

Each project that is developed to execute aspects of the DWCP will be managed by a National Project Coordinator who is a full-time employee on an ILO contract. She/He is supported by a Finance and Administrative Assistant. Each project is in turn supervised by the respective Specialist from a Technical Area within which the project falls. The Specialist works hand in hand with the relevant technical department in Geneva.

On the other hand, the ILO Regional Office for Africa (ROAF) provides technical, financial and administrative support in the implementation of all areas of work managed by the ILO Pretoria Office.

(iii) Role of Government and the Social Partners

Government and the Social Partners will provide overall strategic guidance to the implementation and monitoring and evaluation of the DWCP. Government and the Social Partners will also provide technical inputs in the formulation of projects and in the development of Terms of Reference for all new projects. The partners will also participate in Ad hoc Thematic Advisory Committees where established and Project Advisory Committee meetings to provide technical and strategic guidance and to facilitate partnerships for the implementation of DWCP. Government and the Social Partners will share responsibility with the ILO to mobilize resources to fund programmes and projects, and in some cases cost-

share activities and projects. The partners will be actively involved in the recruitment of National Professionals appointed for purposes of providing technical backstopping support to projects.

(iv) Communication

The ILO Office Director will share regular implementation updates on the DWCP with Government and the Social Partners through the DWCP Steering Committee. Such updates will include semi-annual and annual reports of projects, mid-term reviews and end of project evaluation reports. The technical reports will be accompanied by financial expenditure reports to give indication of delivery rates and to highlight possible resource gaps for the implementation of the DWCP. Minutes of meetings of DWCP Steering Committee, Ad hoc Thematic Advisory Committees and Project Advisory Committees will be written by the ILO Office Director and shared with all members of the meetings for approval and adoption.

14. MONITORING AND EVALUATION

The DWCP Steering Committee will approve the key monitoring indicators for the DWCP outcomes and outputs which will be used to review and evaluate implementation of the DWCP. The DWCP Steering Committee will meet bi-annually to review updates and reports on outcomes, outputs and activities undertaken within the framework of the DWCP. An updated Projects Matrix will also be presented during review meetings of the DWCP. The evaluation of the DWCP will be conducted every two years to coincide with the end of ILO Biennium Programme and Budget cycles.

The DWCP programme presents a roadmap for the implementation of the Swaziland Decent Work Agenda over a five year period. During this time, the DWCP will be reviewed regularly to ensure relevance to emerging development priorities during the life cycle of the programme.

ANNEX 1: LIST OF RATIFICATIONS OF INTERNATIONAL LABOR CONVENTIONS BY SWAZILAND

(Source: ILOLEX – 18. 3. 2009)

Convention	Ratification date	Status
C5 Minimum Age (Industry) Convention, 1919	26:04:1978	denounced on 23:10:2002
C11 Right of Association (Agriculture) Convention, 1921	26:04:1978	ratified
C12 Workmen's Compensation (Agriculture) Convention, 1921	26:04:1978	ratified
C14 Weekly Rest (Industry) Convention, 1921	26:04:1978	ratified
C19 Equality of Treatment (Accident Compensation) Convention, 1925	26:04:1978	ratified
C26 Minimum Wage-Fixing Machinery Convention, 1928	26:04:1978	ratified
C29 Forced Labour Convention, 1930	26:04:1978	ratified
C45 Underground Work (Women) Convention, 1935	05:06:1981	ratified
C50 Recruiting of Indigenous Workers Convention, 1936	26:04:1978	ratified
C59 Minimum Age (Industry) Convention (Revised), 1937	26:04:1978	denounced on 23:10:2002
C64 Contracts of Employment (Indigenous Workers) Convention, 1939	26:04:1978	ratified
C65 Penal Sanctions (Indigenous Workers) Convention, 1939	26:04:1978	ratified
C81 Labour Inspection Convention, 1947	05:06:1981	ratified
C86 Contracts of Employment (Indigenous Workers) Convention, 1947	26:04:1978	ratified
C87 Freedom of Association and Protection of the Right to Organize Convention, 1948	26:04:1978	ratified
C89 Night Work (Women) Convention (Revised), 1948	05:06:1981	ratified
C90 Night Work of Young Persons (Industry) Convention (Revised), 1948	05:06:1981	ratified
C94 Labour Clauses (Public Contracts) Convention, 1949	05:06:1981	ratified
C95 Protection of Wages Convention, 1949	26:04:1978	ratified
C96 Fee-Charging Employment Agencies Convention (Revised), 1949	05:06:1981	ratified

Convention	Ratification date	Status
C96 Fee-Charging Employment Agencies Convention (Revised), 1949	05:06:1981	ratified
C98 Right to Organize and Collective Bargaining Convention, 1949	26:04:1978	ratified
C99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951	05:06:1981	ratified
C100 Equal Remuneration Convention, 1951	05:06:1981	ratified
C101 Holidays with Pay (Agriculture) Convention, 1952	05:06:1981	ratified
C104 Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955	05:06:1981	ratified
C105 Abolition of Forced Labour Convention, 1957	28:02:1979	ratified
C111 Discrimination (Employment and Occupation) Convention, 1958	05:06:1981	ratified
C123 Minimum Age (Underground Work) Convention, 1965	05:06:1981	ratified
C131 Minimum Wage Fixing Convention, 1970	05:06:1981	ratified
C138 Minimum Age Convention, 1973	23:10:2002	ratified
C144 Tripartite Consultation (International Labour Standards) Convention, 1976	05:06:1981	ratified
C160 Labour Statistics Convention, 1985	22:09:1992	ratified
C182 Worst Forms of Child Labour Convention, 1999	23:10:2002	ratified

FURTHER INFORMATION

MINISTRY OF LABOUR AND SOCIAL SECURITY

P.O. Box 198, Mbabane H100
Swaziland
Tel (+268) 404-1971/2/3
Fax (+268) 4041966
www.deptlab@realnet.co.sz

INTERNATIONAL LABOUR ORGANIZATION

Country office for Botswana, Lesotho, Swaziland and South Africa
Crestway Block C, 20 Hotel St. Persepolis Park
0020 Pretoria, South Africa
Tel (+27) 12-818 8000 • Fax (+27) 12-818 8087
www.ilo.org

