

SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

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THE INDUSTRIAL RELATIONS (AMENDMENT) ACT, 2010

(Act No. 6 of 2010)

**I ASSENT****MSWATI III**
King of Swaziland05th November, 2010**AN ACT**
ENTITLED

AN ACT to amend, and incorporate into the Industrial Relations Act, 2000 international labour practices as proposed by the International Labour Organization through the High Level Mission to Swaziland in 2006.

ENACTED by the King and the Parliament of Swaziland.

Short Title and Date of Commencement

1. (1) This Act may be cited as the Industrial Relations (Amendment) Act, 2010 and shall be read as one with the Industrial Relations Act, 2000 (hereinafter referred to as the "principal Act"); and

(2) This Act shall come into force on a date to be announced by the Minister by notice published in the Government Gazette.

Amendment of Section 2

2. Section 2 of the principal Act is amended -

(a) by inserting a new definition between "remuneration" and "sector" as follows -

"sanitary service" means a service that is related to health and hygiene, including refuse collection and sewage disposal;"

(b) in the definition of "undertaking" in paragraph (k), by deleting sub-subparagraph (bb) and joining sub-subparagraph (aa) and subparagraph (ii) after deleting the dash at the end thereof; and

(c) in paragraph (k), by adding a new sub-paragraph (iii) as follows -

"(iii) domestic service in a household or a private house;"

Amendment of Section 29

3. Section 29 (1) of the principal Act is amended by deleting sub-paragraph (i) and replacing it with a new sub-paragraph as follows -

- “(i) provision that subject to the terms of the constitution of the organization, which member may or may not vote in the election of officers, nominate a candidate for any office, be nominated for, or be elected to any office, or express views on candidates and other issues;”

Amendment of Section 42

4. Section 42 of the principal Act is amended -

- (a) by inserting, after subsection (5), the following new sub-sections -

“(6) Where in an establishment employees are represented by more than two trade unions whose respective membership does not cover at least fifty (50) percent of the employees eligible to join the union, the employer shall grant collective bargaining rights to the unions to negotiate on behalf of their members.

(7) The exercise of the collective bargaining rights stated in sub-section (6) shall include, in instances where the unions represent employees in the same category, the negotiation by the employer with several trade unions at the same time, with a view to the signing of an agreement applicable to all workers.”

- (b) by renumbering the existing sub-sections as (6) to (15).

Amendment of Section 85

5. Section 85 is amended in subsection (4) in -

- (a) paragraph (a) by deleting the words “thirty days” and substituting them with “twenty-one days”; and

- (b) paragraph (b) by deleting the paragraph and replacing it with a new paragraph as follows -

- “(b) a party who is aggrieved by a determination made by an arbitrator in terms of paragraph (a) may apply, within a period of 21 days after the making of such determination, to the High Court for a review.”

Amendment of Section 86

6. Section 86 of the principal Act is amended -

- (a) in line 4 of subsection (2), by inserting after the word “supervise”, the following words -

“,where it has been so requested by an organization in terms of its statutes or constitution,”;

- (b) in subsection (3), by deleting the subsection and replacing it with a new subsection (3) as follows -

“(3) The Commission shall, where it has been so requested under subsection (2), take all reasonable steps to ensure that all employees belonging to a trade union or staff association which made the request are given an opportunity to vote in the ballot.”;

- (c) in line 1 of subsection (5), by deleting the words “forty-eight hours” and substituting them with the words “twenty-four hours”;

- (d) in line 3 of subsection (6), by inserting between the word “respectively,” and the words “the strike” the following words -

“or where an organization has exercised its right under subsection (2) not to request the Commission to conduct a ballot,”;

- (e) by inserting after subsection (6), a new subsection (7) as follows -

“(7) Where a party who intends to take strike action elects to appoint a person or institution other than the Commission to arrange and supervise a strike ballot, the person or institution so appointed shall conduct the ballot in line with good industrial relations practice.”; and

- (f) by renumbering subsections (7), (8) and (9) as subsections (8), (9) and (10) respectively.

LEGAL NOTICE NO. 187 OF 2010

THE CONSTITUTION OF SWAZILAND ACT, 2005
(Act No. 001 of 2005)

THE APPOINTMENT OF ACTING PRINCIPAL SECRETARY
NOTICE, 2010
(Under Section 76)

In exercise of the powers conferred by Section 76 of the Constitution of Swaziland Act, 2005, I **MSWATI III, KING AND INGWENYAMA OF SWAZILAND**, appoint -

SINDISIWE MABUZA

to be the Acting Principal Secretary in the Prime Minister's Office with effect from 7th November, 2010 until further notice.

THUS DONE UNDER MY HAND AT LOZITHEHLEZI, THIS 02 DAY OF NOVEMBER, 2010.

MSWATI III
KING AND INGWENYAMA OF SWAZILAND

LEGAL NOTICE NO. 188 OF 2010

THE CONSTITUTION OF SWAZILAND ACT, 2005
(Act No. 001 of 2005)

THE APPOINTMENT OF ACTING SECRETARY TO CABINET
NOTICE, 2010
(Under Section 74)

In exercise of the powers conferred by Section 74 of the Constitution of Swaziland Act, 2005, I, **MSWATI III, KING AND INGWENYAMA OF SWAZILAND**, appoint -

MBUSO DLAMINI

to be the Acting Secretary to Cabinet with effect from 7th November, 2010 until further notice.

THUS DONE UNDER MY HAND AT LOZITHEHLEZI, THIS 02 DAY OF NOVEMBER, 2010.

MSWATI III
KING AND INGWENYAMA OF SWAZILAND

LEGAL NOTICE NO. 190 OF 2010

THE CONSTITUTION ACT, 2005
(Act No. 001 of 2005)

APPOINTMENT OF DEPUTY MASTER OF THE HIGH COURT,
NOTICE, 2010
(Under Section 160)

In exercise of the powers conferred by Section 160 (2) of the Constitution of Swaziland Act No. 001 of 2005, the Judiciary Service Commission appointed.

PHUMZILE MASILELA

As Deputy Master of the High Court with effect from the 6th August, 2009.

RICHARD BANDA
CHAIRMAN
JUDICIAL SERVICE COMMISSION

LEGAL NOTICE NO. 191 OF 2010

THE CONSTITUTION OF SWAZILAND ACT, 2005
(Act No. 1 of 2005)

THE APPOINTMENT OF DEPUTY COMMISSIONER OF CORRECTIONAL
SERVICES NOTICE, 2010
(Under Section 190)

In exercise of the powers conferred on me by Section 190 of the Constitution of Swaziland Act, 2005, I, **KING MSWATI III AND INGWENYAMA OF SWAZILAND** appoint -

CLIFFORD MSHENGU VILAKATI

as Deputy Commissioner of Correctional Services with effect from the 8th October, 2010.

**THUS DONE UNDER MY HAND AT LOZITHEHLEZI, THIS 03 DAY OF
NOVEMBER, 2010.**

MSWATI III
KING AND INGWENYAMA OF SWAZILAND

LEGAL NOTICE NO. 192 OF 2010

THE CIVIL SERVICE ORDER, 1973
(Order No. 16 of 1973)

APPOINTMENT OF ACTING PRINCIPAL SECRETARIES
(Under Section 8)

In exercise of the powers vested in me by Section 8 of the Civil Service Order, 1973, I,
MSWATI III, KING OF SWAZILAND, hereby appoint:

JOHN NDLANGAMANDLA

To act as Principal Secretary in the Ministry of Housing and Urban Development with effect
from 13th September 2010 to 8th October, 2010.

MAXWELL M. DLAMINI

To act as Principal Secretary in the Ministry of Labour and Social Security with effect from
13th September 2010 to 6th October, 2010.

JOICE T. DLAMINI

To act as Principal Secretary in the Ministry of Commerce, Industry and Trade with effect
from 18th September 2010 to 10th October 2010.

**THUS SIGNED UNDER MY HAND AT LOZITHEHLEZI ON THIS 03 DAY OF
NOVEMBER, 2010.**

MSWATI III
KING OF SWAZILAND

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LEGAL NOTICE NO. 193 OF 2010

THE CIVIL SERVICE ORDER, 1973
(Order No. 16 of 1973)

APPOINTMENT OF ACTING PRINCIPAL SECRETARIES
(Under Section 8)

In exercise of the powers vested in me by Section 8 of the Civil Service Order, 1973, I, **MSWATI III, KING OF SWAZILAND**, hereby appoint:

STEPHEN B. MAGONGO

To act as Principal Secretary in the Ministry of Economic Planning and Development with effect from 16th September 2010 to 15th October, 2010.

THAMSANQA T. VILANE

To act as Principal Secretary in the Ministry of Public Works and Transport with effect from 23rd September 2010 to 15th October, 2010.

VICTOR NXUMALO

To act as Principal Secretary in the Ministry of Finance with effect from 28th September 2010 to 16th October, 2010.

THUS SIGNED UNDER MY HAND AT LOZITHEHLEZI ON THIS 03 DAY OF NOVEMBER, 2010.

MSWATI III
KING OF SWAZILAND