



SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

VOL. XXXVIII]

MBABANE, Tuesday, May 2nd., 2000

[No. 560

CONTENTS

No.

Page

LEGAL NOTICES

39. Appointment of Co-opted Members of the Labour Advisory Board, Notice 2000 S1

PUBLISHED BY AUTHORITY

LEGAL NOTICE NO. 39 OF 2000

THE EMPLOYMENT ACT, 1980 (Act No. 5 of 1980)

APPOINTMENT OF CO-OPTED MEMBERS OF THE LABOUR ADVISORY BOARD, NOTICE 2000 (Under section 20)

It is notified for general information that the following persons are co-opted by the Board in terms of section 20 (2) of the Employment Act, 1980 as members of the Labour Advisory Board to be known as the Employment and Human Resources Development Drafting Committee with effect from 20th March, 2000 to the 21st August, 2000 to carry out the functions specified under section 3 of this Notice -

Citation.

1. This Notice may be cited as the Appointment of Co-opted Members of the Labour Advisory Board, Notice 2000.

Co-opted members.

2. (1) The following persons are co-opted as members of the Labour Advisory Board in terms of this Notice -

- | | | |
|----------------------------|---|---|
| (a) Erickson L. B. Dlamini | - | Government Representative and Chairperson |
| (b) Nikwani Dlamini | - | Government Representative |
| (c) Teresa Sulile Mlangeni | - | Technical Expert/Legal Advisor |
| (d) Sabelo J. K. Matsebula | - | Technical Expert/Draftsperson |
| (e) Musa Hlophe | - | Employers' Representative |
| (f) Muhawu Maziya | - | Employers' Representative |
| (g) Thomas Dlamini | - | Workers' Representative |
| (h) Vincent Ncongwane | - | Workers' Representative |
| (i) Ben Simelane | - | Secretary |

(2) The following persons shall be alternate members in the event the co-opted member is for whatever reason unable to attend the business of the Committee -

- | | | |
|---------------------------|-----|------------------------|
| (a) Jan Sithole | for | Thomas Dlamini |
| (b) Dumisani J. Dlamini | for | Muhawu Maziya |
| (c) Mandla Hlatshwako | for | Musa Hlophe |
| (d) Dickson Mkhonta | for | Ben Simelane |
| (e) Gcinaphi P. Mndzebele | for | Sabelo J. K. Matsebula |

(3) In the event the Chairperson is for whatever reason unable to preside over the business of the Committee, Nikwani Dlamini shall act as Chairperson.

Functions of the committee.

3. The Committee shall -

(a) in respect of the Employment Act of 1980 and such other related legislation -

- (i) review the Employment Act, 1980 and any amendments to the Act;
- (ii) consider whether a new Employment Bill or an Employment (Amendment) Bill is the appropriate mode of operation to bring into conformity, uniformity and consensus the provisions of the Industrial Relations Act, 2000 and the Employment legislation;
- (iii) receive and collate any submissions made to the Committee by any interested person or party;
- (iv) consider and incorporate, where deemed necessary, into the final draft the concerns and submissions received from any member of the public, representatives of Government, Employers and Workers and the instructions and concerns of the Labour Advisory Board;
- (v) draft such number of "draft Bills" before a "final draft" for submission, consideration and approval to and by the Labour Advisory Board within such times as may be determined by the Labour Advisory Board and the "final draft" shall be submitted, subject to subparagraph (viii), not later than the 14th day of August, 2000;
- (vi) draft a new employment legislation appropriate for Swaziland and which shall incorporate or take into account the changes that have been introduced by the Industrial Relations Act, 2000 and any other relevant and applicable law;
- (vii) ensure, whilst drafting the new employment legislation, such legislation promotes sound and appropriate employment practices, harmonious industrial relations, creation of employment and investment, International Labour Organization minimum standards and practices and principles of "smart partnerships"; and
- (viii) present the final draft to the Labour Advisory Board not later than the 14th day of August, 2000 or such later date as may be determined by the Minister and the Labour Advisory Board and which date the Minister shall publish in the Gazette; and

(b) in respect of the Human Resource Development legislation -

- (i) study the Human Resources Development "draft Bill" of 1995 and any other materials that may be available and of relevance to a legislation proposed under subparagraph (iii);
- (ii) receive and collate any submissions made to the Committee by any interested person or party;
- (iii) draft a new Human Resource Development legislation appropriate for Swaziland and which shall incorporate or take into account the changes that have been introduced by the Industrial Relations Act, 2000 and any other relevant and applicable law;

- (iv) draft such number of "draft Bills" before a "final draft" for submission, consideration and approval to and by the Labour Advisory Board within such times as may be determined by the Labour Advisory Board and the "final draft" shall be submitted, subject to subparagraph (vii), not later than the 14th day of August, 2000;
- (v) consider and incorporate, where deemed necessary, into the final draft the concerns and submissions received from any member of the public, representatives of Government, Employers and Workers and the instructions and concerns of the Labour Advisory Board;
- (vi) ensure, whilst drafting the new Human Resources Development legislation, such legislation promotes-sustainable development of national human resources through placement, deployment, employment, training, equal and preferential opportunity at the work place, sound and appropriate employment practices, harmonious industrial relations, creation of employment and investment, International Labour Organization minimum standards and practices and principles of "smart partnerships", stimulation of economic growth and competitiveness; and
- (vii) present the final draft to the Labour Advisory Board not later than the 14th day of August, 2000 or such later date as may be determined by the Minister and the Labour Advisory Board and which date the Minister shall publish in the Gazette.

Quorum and rules of procedure.

4. (1) The Committee shall be constituted when three members, one member from each of the three bodies (Government, Workers and Employers), are present and for every withdrawal from the Committee of a body represented in the Committee, the quorum shall be reduced by a corresponding or equal number of withdrawals.

(2) The Committee shall, subject to this Notice, regulate its procedural practice in a manner suitable for carrying out its functions and mandate.

(3) Without any prejudice from the provisions of this section, the Representatives of the Workers and Employers shall each provide, on the first sitting, one Committee member to be Deputy Chairperson, that is to say, there shall be two Deputy Chairpersons.

(4) The Secretary shall, under the command of the Chairperson, invite members of the public intending to make submissions so to do at a place and time specified in the invitation.

Venue.

(5) The Committee shall hold its meetings and sittings at any place and time as may be determined by the Chairperson after consultation with the Committee and with the approval of the Commissioner of Labour.

Allowances.

6. The Committee shall be paid sitting and travelling allowances equal to those payable to persons in statutory bodies.

Extension of time.

7. The Labour Advisory Board in consultation with the Minister may extend the time specified under section 3 (a) (viii) and section 3 (b) (vii) by notice issued by the Minister in the Gazette.

L. E. DLAMINI

Minister for Enterprise and Employment

Dated 20-4-2000
Mbabane