

MICHAEL SOMMER  
PRESIDENT  
PRÉSIDENT  
PRÄSIDENT  
PRESIDENTE

SHARAN BURROW  
GENERAL SECRETARY  
SECRÉTAIRE GÉNÉRALE  
GENERALSEKRETÄRIN  
SECRETARIA GENERAL

Sibusiso Dlamini  
Prime Minister  
Office of the Prime Minister  
Cabinet Offices  
Hospital Hill  
Mbabane  
Swaziland  
Fax: +268 2404 3943  
Email: kunenejabu@gov.sz

HTUR/MS

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## **Dissolution of trade unions**

Prime Minister,

I am writing to you on behalf of the International Trade Union Confederation, which represents over 176 million workers in 161 countries and territories - including Swaziland - to strongly condemn your plans to dissolve the Trade Union Congress of Swaziland (TUCOSWA) and the Amalgamated Trade Unions of Swaziland (ATUSWA).

We have been informed that the Minister of Labour and Social Security, Winnie Magagula, held a press conference yesterday and announced a Cabinet resolution deciding that pending legal reforms all federations should stop operating immediately. Federations were called upon to submit reports of their operations to date including their prepared audited financial statements to the Commissioner of Labour. This decision will affect not only TUCOSWA and ATUSWA but also the Federation of Swaziland Employers and Chamber of Commerce, and the Federation of the Swazi Business Community. Tripartite bodies such as the Wages Council, Labour Advisory Board, Conciliation, Mediation and Arbitration Commission, Swaziland National Provident Fund, Training and Localisation Committee and the Social Dialogue Committee will stop functioning as a result.

Article 5 of ILO Convention No. 87 on Freedom of Association recognises the right of workers' organizations to establish or to join federations and confederations of their own choosing. In response to complaint filed by TUCOSWA and the ITUC on 23 May 2012 (Case No 2949), the Committee on Freedom of Association recommended that pending legislative reforms TUCOSWA is able to effectively exercise all its trade union rights without interference or reprisal. An ILO High Level Fact Finding Mission that visited the country in January 2014 and recommended the registration of the worker and employer federations by end of April 2014.

Your government has completely ignored these recommendations as well as repeated calls from the international trade union movement to respect rights guaranteed under international conventions ratified by Swaziland, in particular ILO Convention No. 87. Instead you have now suspended workers' right to freely associate and to carry out trade union activities completely. This decision also goes against the decision of the

Industrial Court which recognised that TUCOSWA could operate in terms of its own constitution. We are shocked that you even argue that your actions are required by the ILO – nothing could be further from the truth.

We urge you to revoke the decision to dissolve TUCOSWA and ATUSWA and to start engaging in a genuine dialogue with unions about legislative reforms that will ensure that workers' rights are respected in line with Swaziland's international obligations without any further delay. The ITUC remains hopeful that your government will act responsibly but is also prepared to invoke Article 26 of the ILO Constitution.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A. Burrow', with a stylized flourish at the end.

Sharan Burrow, General Secretary