



SWAZILAND
GOVERNMENT GAZETTE
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PART C

S1

LEGAL NOTICE NO. 10 OF 1996

THE PUBLIC ORDER ACT, 1963
(Act No. 17 of 1963)THE DESIGNATION OF THE SWAZILAND NATIONAL ASSOCIATION OF
TEACHERS STRIKE ACTION AS A BOYCOTT, NOTICE 1996
(Under Section 13)

In exercise of the powers conferred upon me under section 13 of the Public Order, Act, 1963, I PRINCE MBILINI PRIME MINISTER OF THE KINGDOM OF SWAZILAND hereby designate the strike action called by the Swaziland National Association of Teachers strike to start on 23rd January 1996 or any date thereafter, to be a Boycott as it is likely to have effect of -

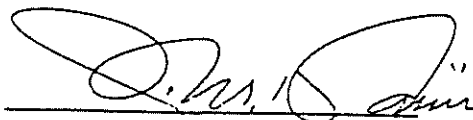
- (a) bringing into hatred or contempt, exciting disaffection against or undermining the lawful authority of the Swaziland Government;
- (b) endangering public Order; and
- (c) endangering the economic life of Swaziland.

Further, in exercise of the powers conferred upon me under the said section 13, I hereby specify in relation to the designated Boycott the following actions to be likely to further such Boycott -

- (a) the unlawful withdrawal of essential services from the employer as defined under the Industrial Relations Act, 1980 or any successor thereto;
- (b) the unlawful interference with members of the public in their normal daily activities;
- (c) the unlawful interference with the life and property of members of the public and the state;
- (d) the unlawful interference with and disruption of normal business operations;
- (e) the unlawful interference and disruption of the educational system;
- (f) the unlawful interference with any person doing any act which may lawfully be done or any person omitting to do anything which may lawfully be omitted to be done.

This Notice shall operate with immediate effect until further notice.

THUS DONE AT MBABANE THIS 18TH DAY OF JANUARY, 1996.



PRIME MINISTER

S2

LEGAL NOTICE NO. 11 OF 1996

THE PUBLIC ORDER ACT, 1963
(Act No. 17 of 1963)

THE DESIGNATION OF THE SWAZILAND FEDERATION OF TRADE UNIONS
MASS STAY AWAY AS A BOYCOTT, NOTICE, 1996
(Under Section 13)

In exercise of the powers conferred upon me under section 13 of the Public Order, Act, 1963, I PRINCE MBILINI PRIME MINISTER OF THE KINGDOM OF SWAZILAND hereby designate the mass stay away called by the Swaziland Federation of Trade Unions to start on the 22nd January 1996 or any date thereafter, to be a Boycott as it is likely to have the effect of -

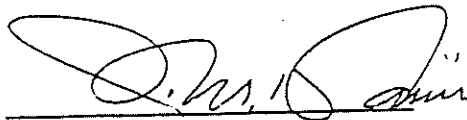
- (a) bringing into hatred or contempt, exciting disaffection against or undermining the lawful authority of the Swaziland Government;
- (b) endangering public Order; and
- (c) endangering the economic life of Swaziland.

Further, in exercise of the powers conferred upon me under the said section 13, I hereby specify in relation to the designated Boycott the following actions to be likely to further such Boycott -

- (a) the unlawful withdrawal of employees services from their employers including essential services as defined under the Industrial Relations Act, 1980 or any successor thereto;
- (b) the unlawful interference with and disruption of public transport operations;
- (c) the unlawful interference with members of the public in their normal daily activities;
- (d) the unlawful interference with the life and property of members of the public and the state;
- (e) the unlawful interference with and disruption of normal business operations;
- (f) the unlawful interference and disruption of the educational system;
- (g) the unlawful interference with any person doing any act which may lawfully be done or any person omitting to do anything which may lawfully be omitted to be done.

This Notice shall operate with immediate effect until further notice.

THUS DONE AT MBABANE THIS 18TH DAY OF JANUARY, 1996.



PRIME MINISTER

The Government Printer, Mbabane

Appendix 2

Public Order
Act 1963PART VII
BOYCOTTS*Wrongfully inducing a boycott.*

13 (1) Where the Minister is satisfied that a boycott is being conducted or is threatened or likely to be conducted with the intention or effect of —

- (a) bringing into hatred or contempt, exciting disaffection against or undermining the lawful authority of the Government or a local authority, or of persuading such body to alter any law or by-law, to appoint a commission or committee or to take any action which it is not by law required to take; or
- (b) endangering public order; or
- (c) endangering the economic life of Swaziland; or
- (d) raising discontent or disaffection amongst His Majesty's subjects or the inhabitants of Swaziland, or engendering feelings of ill-will or hostility between different classes or different races of the population.

he may by notice in the Gazette, designate it to be a boycott for the purposes of this section.

(2) The Minister may by the same or by a subsequent notice so published specify in relation to a designated boycott any action which he is satisfied is likely to further such boycott, including (but without prejudice to the generality of such power) abstaining from —

- (a) buying goods from, or selling goods to, any person or class of persons;
- (b) buying or selling any goods or class of goods;
- (c) entering or approaching or dealing at any premises at which any person or class of persons carries on trade or business;
- (d) dealing with any person or class of persons in the course of his trade or business;
- (e) using or providing any service or class of services;
- (f) working for or employing any person or class of persons;
- (g) letting, hiring, or allowing the use of any land or buildings to any person or class of persons;
- (h) doing any other act which may lawfully be done.

(3) Any person, with intent to further a designated boycott who by word of mouth publicly, or by making a publication (as defined in sub-section (9)), advises, induces or persuades or attempts to advise, induce or persuade any person or class of persons to take any action which has been specified in relation to such boycott, shall be guilty of an offence and liable on conviction to imprisonment not exceeding six months.

(4) In determining, for the purpose of this section, whether any words were spoken or a publication was made with intent to further a designated boycott, a person shall be deemed unless the contrary be proved to intend the consequences which would naturally follow from his conduct at the time and in the circumstances in which he conducted himself.

(5) This section shall not be construed so as to make unlawful any action lawfully taken by a party to a trade dispute (as defined in section 2 of the Trade Unions and Employers Organisations Act No. 12 of 1966) in contemplation or in furtherance of that dispute.

(6) Where a person is charged before a court with an offence under this section, further proceedings in respect of the offence shall not be taken against him without the consent of the Attorney-General except such as the court may think necessary by remand (whether in custody or on bail) or otherwise to secure the due appearance of the person charged.

(7) Where, however, that person is remanded in custody, he shall after the expiration of a period of fourteen days from the date on which he was so remanded be entitled to be discharged from custody on entering into a recognizance without sureties unless within that period the Attorney-General has so consented to further proceedings.

(8) A notice published under this section may, at any time, be amended, varied, suspended or revoked by a further notice so published.

(9) For the purpose of this section a person shall be deemed to make a publication if he prints it, makes it, publishes it, sells it, distributes it, offers it for sale or distribution or reproduces it.

21. Involve workers in constitution forum.

There was consensus on this issue. Government's policy on such public policy issues is to involve as many interest groups as possible. When such a body is formed this recommendation will be taken into account.

22. Establish National Security Scheme

There was consensus on this issue. Government's view on this subject is that before introducing it, a thorough analysis of the long term implications on such a scheme must be undertaken. This is very important for Swaziland at this moment when the number of those in formal employment are dwindling. Expert advice is therefore being sought on this issue.

23. No discrimination of female employees by employers.

There was consensus on this issue. Government fully supports this recommendation and would like to invite worker organizations to cooperate in identifying and reporting instances where discrimination to women is practised. This will help to uphold the principles of our labour laws and International Conventions to which Swaziland is a signatory.

24. Bus owners to be exempt from certain sales tax.

There was consensus on this issue. However, government's position to this recommendation is that like the taxation issues should be taken by the concerned parties to the Tax Advisory Board.

25. Swaziland College of Technology (SCOT) to be used for training.

There was consensus on this issue. Government accordingly accepts the recommendation and would like to further state that SCOT was established to serve this objective and continue to do so. Government is also aware that SCOT is not able to accommodate all those who qualify to enrol. In such circumstances, other alternative institutions, outside Swaziland, are used. Views on desired improvements will be always welcomed if submitted through the correct channels, i.e. the Ministry of Education.

26. International Labour Organization (ILO) Draft Legislation.

There was consensus on this issue. Government is in full agreement with this recommendation. However, Government notes that the members of the Task Force were given copies of both the ILO and Wiehahn Reports as working documents. The LAB also have copies of these documents which they are to use in the on-going review of Labour Laws. Extra copies of these reports can be provided on request if some members of LAB do not have them.

27. The report notes on Page 33 that there are now only 26 issues since the Task Force combined two issues into one during their deliberations.

A.H.N. SHABANGU
MINISTER FOR LABOUR AND PUBLIC SERVICE