



TRADE UNION CONGRESS OF SWAZILAND (TUCOSWA)

P. O. Box 1158, MANZINI

Tel/Fax: 25059514/5 – email: sftu1@swazi.net

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Statement by the Trade Unions Congress of Swaziland (TUCOSWA) on its purported de-registration.

The Trade Union Congress of Swaziland (TUCOSWA), the only trade union National Centre in Swaziland has finally and formally received a letter dated 5th April, 2012 from the Swaziland Government through the Commissioner of Labour purporting to de-register the Federation from the list, of organisations registered in terms of the Industrial Relations Act.

The purported de-registration came after an advice from the Attorney General that;

- The Industrial Relations Act does not provide for the registration of Federations.
- The Act does not provide for regulation of mergers for two or more federations.

The Federation views these observations as very unfortunate and amazing taking into account the following;

- That the defunct Swaziland Federation of Trade Unions and the Swaziland Federation Labour were registered and recognized as Federations yet they were registered under the same Act.

- That the Federation of Swaziland Employers and Chamber of Commerce and Federation of Swaziland Business Community must be registered in terms of the Act as Employer Federations.
- Contrary to the reasons advanced by the Government that TUCOSWA is not an organization as envisaged by the Act; Section 2 of the Industrial Relations Act defines a Federation, to mean, **“a body registered in terms of this Act which is wholly comprised of employers and/or a combination of employers associations trade unions or staff associations as the case may be.”**

It is common knowledge that TUCOSWA is a combination of trade Unions.

If TUCOSWA is not an organisation for the purposes of the Act as the Government claims which we however vehemently dispute, it is therefore a Federation, deriving its existence from the very same Act, Section 32 of part IV of the Act, sub-titled, **“Regulation of Federations”** provides as follows, **“Organisations and employers may form, participate in, be affiliated to or join a Federation which has its principal objects the functions of advice, consultation, collective bargaining, defence and promotion of the collective interest of members or any other issue that may be of interest to its members including matters of public policy and public administration”**

It must be noted that it is the sole prerogative of the Commissioner of Labour to register Organisations and that the services of the Attorney General are always at her disposal for advice which we believe she duly utilized prior to the registration certificate issued on the 25th January, 2012.

It must be appreciated that the Act also accommodate the amalgamation of Trade Unions and Federations, Section 41 of the Industrial Relations Act, **titled “Amalgamation and affiliation of organisations and federations”** provides as

follows, **“(a) an organisation which is registered under this Act may, in the manner provided for in its constitution and subject to the provisions of this Act, amalgamate with any other organisation.”**

It is common cause that the then Swaziland Federation of Trade Unions and the Swaziland Federation of Labour were registered organisations in terms of the Act and clearly their amalgamation was in the true spirit of the Act. Therefore this position of the law is in contradiction with the Attorney General's alleged gap in this respect.

The Attorney General has proved to be aggrieved with the registration of the Federation resulting to his advice for it's de-registration.

The Act does provide a procedure to be followed by aggrieved persons in this regard. Section 27 (8) provides as follows, **“Any person who is aggrieved by the decision of the Commissioner of Labour under this section may make an application to the court for the review of that decision”**.

It is common cause that the Federation was registered and recognized as an organisation by the Government on the 25th January, 2012 after it was certified that all requirements for its registration have been complied with; it follows that its deregistration cannot be issued in a willy-nilly fashion.

The Act gives only the Industrial Court, exclusive powers to de-register a Federation and the reasons for such de-registration are outlined and none of them includes the reasons currently advanced by the Government for the de-registration of the Federation.

The Federation wishes to advice as follows;

- That the purported de-registration of the Trade Unions Congress of Swaziland is without any substance supported by the Act.

- And that pending the Commissioner of Labour or any interested party, following all the due processes of the law, the Federation will continue operating as a legal entity as registered in its valid certificate issued by the Commissioner of Labour on the 25th January 2012.
- It is further advised that all representatives of labour in all the tripartite legislated bodies shall be sitting representing the interests of the Trade Unions Congress of Swaziland as it is the only National centre for organized labour in Swaziland.

It will be fallacy and a joke of the century for the Government to pronounce that our Industrial laws do not provide for the registration of Labour Federations.

The Government of Swaziland's attempts and wishes to de-register the Federation is not helping in improving the country's position in its quest to address the Freedom of Association challenges currently obtaining.

The general membership and the public, friends and partners of this giant working class movement are called upon to be more united and resolute in defending this God given right of Freedom of Association.

All workers and progressive formations are invited to petition the Government on the 12th April, 2012 in Mbabane in a precision starting at 9:00 am at the Coronation Park.

TUCOSWA NOW, & TUCOSWA FOREVER!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

ISSUED BY:

MDUDUZI C. GINA

1ST DEPUTY SECRETARY GENERAL