



## SWAZILAND<sup>45</sup>

### El affiliates

**SNAT** Swaziland National Association of Teachers, [www.snat.org.za](http://www.snat.org.za)

The organisation was founded in 1928. It organises teachers from pre-school up to secondary school teachers, including head teachers and also college lecturers. It has 12000 members, about 80% of the total teaching workforce. It affiliated to the newly formed Trade Union Congress of Swaziland in March 2012. Previously it was independent and not affiliated to a trade union centre.

SNAT's mission statement includes: to promote the status and welfare of teachers through the professionalizing of the teaching service and to collectively bargain. Its slogan is "Not by favour but by merit!" SNAT also runs a savings and credit cooperative and a special burial fund.

### Ratifications

- C. 87 Freedom of Association and the Protection of the Right to Organise (1948) ratified 1978
- C. 98 Right to Organise and Collective Bargaining (1949) ratified 1978
- C. 100 Equal Remuneration (1951) ratified 1981
- C. 111 Discrimination (Employment and Occupation) (1958) ratified 1981
- C. 144 Tripartite Consultations (1976) ratified 1981

### Background Information

Swaziland is a constitutional monarchy ruled by King Mswati 111. The last Constitution was signed in 2005. There are a number of laws in place which severely restrict freedom of expression and association, including the Sedition and Subversive Activities Act 1938, which is still invoked, the Public Order Act 1963, the State of Emergency dating back to 1973 which suspends constitutional freedoms and effectively prohibits opposition political parties and the Suppression of Terrorism Act 2008, which was last renewed in 2010.

The standard of living in Swaziland and life expectancy is actually dropping as a consequence of a political and economic crisis, compounded by a high incidence of HIV and AIDS infection. Life expectancy in 2011 was 49 years old and 70% of the population live below the poverty line in 2011.<sup>46</sup> Unemployment in 2011 was put as high as 40%.

<sup>45</sup> Grateful acknowledgements to Muzi Mhlanga, General Secretary of the Swaziland National Association of Teachers, who provided valuable information and comments for this country study.

<sup>46</sup> World Bank accessed 5/12.2012

## Education system

Education is neither free nor compulsory. The government pays teachers' salaries and parents must pay school fees to cover the costs for books and materials. Orphans and vulnerable children receive financial support for school fees though there are frequent reports of delays in payments. Primary school starts at 6 years and the NER is 77% of which 48% is female. However, only 50% of students enrolling in Grade 1 complete, according to UNESCO, and they may take up to 10 years to do so. By Grade 4, nearly 20% of children enrolled in Grade 1 have dropped out. Secondary school is 5 years from 13-18 years old and the NER is 29%. At tertiary level, the NER is 5% with up to 25% of higher education students opting to study abroad, mainly in South Africa.

Investment in education has decreased since 2008 and the government is employing new teachers on short-term contracts rather than permanent contracts, whereby they are excluded from the pension scheme and other benefits. Some teachers have been on annual contracts for up to 8 years and have still not received their permanent status. In March 2012, the government made 1,200 primary teachers redundant.<sup>47</sup> For the 2011/2012 academic year, 3000 teachers were on annual contracts. Teachers last received a cost of living adjustment for the financial year 2009/10 year of 4.5%, well below consumer price inflation by any measure. Negotiations for the 2010/11 cost of living adjustment are still on-going.

Teachers in the public education system in Swaziland are public employees. The Teaching Service Act (1982) and the Teaching Service Regulations (1983) establish a Teaching Service Commission, (TSC) under the Ministry of Education. The TCS is responsible for the selection, appointment, termination and disciplinary control of teachers; the formulation of national standards, transfers, terms and conditions of service, a code of conduct and for ensuring payment of wages.

### Freedom of Association and Collective Bargaining

"We can't meet, we can't talk, we can't express ourselves, this is the Swaziland we want to change," member of SNAT, quoted in Mail and Guardian April 2011

Teachers have the right to form and join unions and to take strike action. However, in practice, because of a series of restrictions on the right to strike and emergency measures, the right to strike is severely circumscribed. The Industrial Relations Act (Section 40 and 97 (1))<sup>48</sup> provides for the civil and criminal liability of trade union leaders in the event of strike action to the extent that leaders are exposed to severe penalties. In addition the Public Order Act, which prohibits displaying flags, banners, or other emblems associated with a political organisation, is also invoked in respect of trade union activities, or broader calls for democratic reforms. The ILO CEACR has requested the government to review the Industrial Relations Act so as to ensure there is not a general prohibition on sympathy strikes.<sup>49</sup>

<sup>47</sup> *El website* (accessed 4.12.12)

<sup>48</sup> [http://www.ilo.org/dyn/natlex/natlex\\_browse.details?p\\_lang=en&p\\_jsn=57331](http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_jsn=57331) accessed 2.02.2013

<sup>49</sup> [http://www.ilo.org/dyn/nomlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2698715:NO](http://www.ilo.org/dyn/nomlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2698715:NO)



Up until 2010, SNAT was the only recognised teachers' association in the country. However, as a consequence of a set of amendments to the Industrial Relations Act (2000) adopted in 2010, the membership criteria to register trade unions has been reduced and two smaller teacher unions have now been recognised, which has weakened the bargaining position of SNAT.

Swaziland has been examined by the ILO supervisory mechanisms since 1996 and was the subject of a special paragraph in the conference committee in 2009 and 2010. A second high-level mission was undertaken in 2006. The adoption of the Suppression of Terrorism Act in 2008 marked the beginning of heightened repression of trade union activities, as well as police brutality. The government introduced the Public Service Bill whereby public servants, including teachers, would not be permitted to make statements to the media about the government. As a result of recommendations by the ILO supervisory mechanisms, the government has agreed to review the bill and refer it back to the National Steering Committee on Social Dialogue.

The legislative restrictions on freedom of association and expression have underpinned police actions to disrupt peaceful marches, raid offices, and widespread arrests, and police brutality, which in one case resulted in the death in custody of a trade union demonstrator. SNAT has been at the forefront of the pro-democracy movement and has denounced perceived high levels of corruption and government profligacy. On 12th April 2011, during the 1st Week of Global Action, the SNAT offices were raided by 60 police and 100 people arrested for a short period of time, during the pro-democracy protests on the occasion of the 38th anniversary of the declaration of the State of Emergency in 1973.

### Collective bargaining

The Industrial Relations Act (2002) sets up the Conciliation, Mediation and Arbitration Commission (CMAC) and a new procedure of a Joint Negotiating Forum (JCF). There is a joint negotiating council for public employees, including SNAT, the Swaziland National Association of Civil Servants (SNACS), the Swaziland Nurses Association (SNA) and the Swaziland National Association of Government Accounting Personnel (SNAGAP). The JCF comprises the government negotiating team, who are government principal secretaries, the public service unions and an independent chairperson. The JCF's aim is to negotiate the terms and conditions of service which are common to all public employees represented at the forum.<sup>50</sup> SNAT reports that there are difficulties because the government representatives need to refer back to the cabinet on most issues to get a mandate, that the chair who should be an independent person is a government appointment and that the secretariat to the JCS is provided by the government and is not always impartial.

In principle, a collective agreement is negotiated by the JCF and the text is then registered with the industrial court. The last full collective agreement was signed for the April 1st 2008–March 31st 2009 fiscal year for a five year period. It allowed for a salary review every year and provided a 10% cost of living adjustment for 2008/9, which was in line with inflation.

Since then, however, as a consequence of the political and economic crisis, social dialogue with the government has become much more difficult. SNAT's main focus in the JNF has been to ensure that teachers' salaries keep up with the cost-of-living. The cost of living adjustment for the fiscal year 2009/10, was 4.5% adjustment (although inflation was over 7%). The last agreement was signed in July 2010 for 2010/2011 fiscal year, again for 4.5% adjustment (although inflation was over 6%). The agreement reads:

“The Joint Negotiations Forum observed and appreciated that the state of the Swaziland economy was adversely affected by the global economic downturn and as such it would not be sustainable to peg the cost of living adjustment with the average inflation rate”.<sup>51</sup>

Since then, SNAT has demanded a 4.5% adjustment for 2010/2011 (although inflation was over 6% or higher) but the government's position is that there should be a wage freeze until 2014. A dispute has been declared and it has been referred to the CMAC. SNAT has resorted to strike action in support of their demands and also to support pro-democracy actions.

“While teachers are really struggling to live, as their salaries have dropped in value by over 25% since 2010, they have no option but to stay as there are few job opportunities in the private sector”, reports Muzi Mhlanga, General Secretary of SNAT.

In June 2012, SNAT carried out strike action against the continued deadlock in negotiations in the JNF in support of their demand for 4.5% cost-of living increase. The only agreed amendment to the collective agreements was in July 2012 and referred to setting up a special burial fund for teachers. While the government continued to insist on a wage freeze for the public sector, MPs were awarded a 30% pay rise. The strike defied an industrial court ruling that it would be illegal, and the government instructed the TSC to proceed with the termination of a large number of teachers. This situation is still pending.

### Social Dialogue on Education

The Ministry of Education and Training issued a new Education and Training Policy in April 2011. While the policy refers to a broad consultation process both within and outside the

<sup>51</sup> *Collective Agreement Between The Government Negotiations Team (Gnt), The Swaziland National Association Of Teachers (Snat), The Swaziland National Association Of Civil Servants (Snacs), The Swaziland Nurses Association (Sna) And The Swaziland National Association Of Government Accounting Personnel (Snagap) On The Cost Of Living Adjustment For The Year 2010/11, July 15th 2010*



Ministry, SNAT reports they were not consulted in its development, only invited to the launch. The new policy has a number of important aspirational goals, including the “equitable access to inclusive life-long quality education and training” and the provision of “free and compulsory access to primary education within walking distance (5-7km) for all learners of primary school age”. It also aims to reduce the proportion of unqualified teachers, noting particularly the shortage of maths and science teachers, by increasing the numbers of teacher training scholarships and by “calculating the required intake to teacher training courses to provide the necessary output allowing for drop-out, HIV and AIDS attrition, migration and other factors”.<sup>52</sup> It seems a lost opportunity that SNAT was not consulted on these issues.

On the other hand, SNAT reports that they have been closely consulted about the terms of reference of a new proposed Council of Educators Bill. SNAT was sent a questionnaire about the different clauses in the bill which has been largely based on its own Code of Conduct. The Council of Education will be responsible for registration of teachers and the regulation of teachers’ training and in-service training to meet Commonwealth standards.

SNAT is also represented on the National Curriculum Centre and the Examination Council Board. However, SNAT notes that generally speaking trade unions are consulted in form rather than in practice as decisions have already been made and the different bodies are seeking endorsement rather than genuine consultation. In the past, the union has put forward proposals for reforms but in the present climate, they consider that any initiatives on their part would not be welcome.

Education expenditure and GDP growth		
% GDP spent on education	% public expenditure on education	GDP % Growth
2008: 7.5 %		2.7 %
2009: 7.1 %		0.4 %
2010: 7.4 %	15.95 %	2 %
2011:		0.3 %

Source World Bank/IndexMundi/SNAT (CPI figures)

<sup>52</sup> p.43 Education and Training Sector Policy, Ministry of Education and Training, Mbabane April 2011