International Labour Organization

MEMORANDUM OF TECHNICAL COMMENTS ON THE DRAFT AMENDMENTS TO THE INDUSTRIAL RELATIONS ACT OF THE KINGDOM OF ESWATINI

International Labour Office

September 2023

Contents

SUMMARY OF THE RECOMMENDATIONS 3

*General Comments ..... **Error! Bookmark not defined.***
Freedom of association - right to strike and peaceful protest 3
Dispute Resolution System 3

Introductory remarks 1

Applicable international labour standards 1
National tripartite consultative process, and confidentiality 2

GENERAL COMMENTS ON THE DRAFT 3

SPECIFIC COMMENTS ON THE DRAFT LAW 4

Freedom of association and collective bargaining 4

Right to strike and peaceful protest 4
Registration of Organizations 6

Labour Dispute Resolution Systems 7

ANNEX 1 10

List of Conventions ratified by Eswatini 10

Summary of the recommendations

1. **Recommendation No. 1.** The Office recommends that **Article 5 Power of Minister to Exempt** is deleted in its entirety. This broad discretion could create an opportunity for political interference or abuse of power within the labour relations of Eswatini.

Freedom of association & right to collective bargaining

Right to Strike

2. **Recommendation No. 2.** Although the Office welcomes the proposal to amend **Section 100 Prohibited employer practices,** to include a subsection establishing that violation of the section would constitute a punishable offence; the Draft Law could more clearly define the right to strike and could simplify the procedures defining required for lawful strike or lockout actions. In particular, the Government should consider further narrowing or deleting limitations on lawful strike or lockout actions, as still included in **Sections 87, 89, 90, and 102**. The proposed addition of **Section 102 bis** (1)(b) should be amended to be consistent with the language found in **Section 102(2).**

Registration of Organizations

3. **Recommendation No. 3.** The Office recommends that **Section 27 Registration of organisations** and **Section 32 bis Registration of Federations** are redrafted as suggested, to better balance the interests of the parties for efficiency, while retaining the operational language needed to complete the registration process and to provide the certificate of registration to the applicant.

Dispute Resolution System

4. **Recommendation No. 4.** The Office recommends that the redrafted **Section 10 Representation of the Parties** retain the language applying the section to "any proceedings brought under this Act" so that the section applies to both alternative dispute resolution mechanisms and Court cases.

5. **Recommendation No. 5.** The Office recommends that the drafters make some clarifications related to the powers and procedures for dispute resolution defined in the Act in **Sections 13 and 81.** The Office also suggests that clearer definitions of the different processes for "mediation", "conciliation" and "arbitration" either in the General Code of Practice or in the CMAC Rules would be helpful for parties using CMAC services. Lastly, the Office notes that the flexibility provided in subparagraph (d) of **Section 72 Circumstances in which the Commission may charge** fees is sufficient, and the proposed amendment to **Section 64 Functions and powers of the Commission (2) (h)** may not be necessary.

International Labour Organization

Introductory remarks

6. On 24 November 2022, the Ministry of Labour of the Kingdom of Eswatini (hereafter: Eswatini) requested technical advice and guidance from the International Labour Office (hereafter "the Office") – through the ILO Decent Work Technical Support Team and Country Office for Southern Africa in Pretoria – on proposed amendments to the Industrial Relations Act (hereafter: "The Draft Law").

7. Consultations were held with the Ministry of Labour on 23 January 2023 in Mbabane, and on 21 March and 15 June in Geneva.

Applicable international labour standards

8. Eswatini has ratified eight out of ten fundamental ILO Conventions, two of the four governance Conventions, and 23 technical Conventions. Of those ratified technical Conventions, seven are no longer considered up-to-date by the ILO.

9. Comments from the ILO supervisory bodies, notably the Committee of Experts on the Application of Conventions and Recommendations (hereafter the "CEACR"), are pending in respect of the application by Eswatini of certain Conventions. The Office invites the Government to consider these comments when making further revisions to the Draft.[1]

10. This Technical Memorandum provides comments only on those provisions of the Draft Law for which the Office recommends: (i) further assessment of the changes proposed in light of the objective apparently to be pursued; or (ii) modification of the change contemplated to better promote compliance with ratified International Labour Conventions.

11. The Office wishes to clarify that:

i) The absence of comments on any particular provision should not be taken as indicating a particular view as to compliance with International Labour Standards (ILS); and

ii) These comments are provided without prejudice to any comments that may be made by the ILO bodies responsible for supervising compliance with ILS.

12. Some of the comments below are made in light of non-ratified ILO standards, as well as Recommendations. These particular comments are provided on the understanding that such standards are referred to not as binding instruments, but as a useful point of reference. ILO standards are adopted by a qualified majority of delegates attending the International Labour Conference; hence their content represents internationally accepted good practice, recommended by the ILO.

[1] The full list of comments adopted by the CEACR regarding Eswatini can be found on the NORMLEX – Information System on International Labour Standards. Available at: Normlex Eswatini.

13. Requests for further information from the ILO supervisory bodies, notably the Committee of Experts on the Application of Conventions and Recommendations (hereafter the "CEACR"), are pending in respect of the application by Eswatini of certain Conventions. As to freedom of association and collective bargaining (Conventions No 87 and 98), the Office recalls that the CEACR has requested the Government to: promote collective bargaining in all sectors, including measures taken to implement **Section 42** of the Industrial Relations Act on the recognition as collective employee representatives; and inform about any fluctuation in the number of registered collective agreements as a result of the sensitization campaign broadcast through the national radio; and any other measures to promote collective bargaining; and to provide information on the number of collective agreements signed, the sectors and the number of workers covered.[2] The Office invites the Government to consider responding to these requests as it conducts further consultations on the implementation of Conventions 87 and 98.

14. The Office continues to stand ready, as in the past years, to offer further technical support in the process of drafting labour-related legislation in Eswatini, should the Government so wish.

National tripartite consultative process, and confidentiality

15. ILO technical assistance seeks to increase the active involvement of employers and workers in tripartite consultations throughout the process of labour law reform. This reflects the centrality of the principles of social dialogue and tripartism for the ILO. It is also in keeping with the spirit of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), ratified by Eswatini. Paragraph 5(c) of the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152) also emphasises the importance of consultations in relation to "the preparation and implementation of legislative or other measures to give effect to international labour Conventions and Recommendations."

16. The Office strongly encourages the Government to share this Memorandum as soon as practicable with the most representative organisations of employers and workers in Eswatini, to promote effective tripartite consultation on the Draft.

[2] Comments (ilo.org), Direct Request (CEACR) adopted 2020, published 109th ILC Session (2021).

General Comments on the Draft

17. **Plain language drafting.** Labour legislation should create legal certainty in the area of labour relations and working conditions. It is easier to apply when the language is readable, and the structure is well organized. Labour regulations are more easily enforceable when the purpose of the text is clear and consistent. Plain language communicates legal rules to social partners and the general public more effectively. In particular, drafters should use sentences that are short and simple.

18. **Gender neutral language.** The ILO urges member States to follow contemporary legislative drafting techniques, which emphasize the desirability of using gender-neutral terminology in statutory language. It is important from a policy perspective to use gender-neutral language in legislation to set an example and to encourage the rejection of discriminatory language and behaviour. It is also important to use gender-neutral language to ensure equality in access to and application of the law. The Office welcomes the several examples of gender neutral language, and encourages the drafters to continue the practice throughout the document.

19. **Definitions**. In the current law terms are defined within **Section 2** Interpretation. The drafters should consider whether it would be clearer to specifically identify the section as definitions. The definitions section should clarify terms that have a unique and specific meaning under the Act. There are definitions for several terms or phrases where the definition simply refers to a section of the Act. In those cases, listing the terms in the definitions section does not add any assistance in legal interpretation and should be deleted. There are other words that do not appear to be repeated within the Act and should also be deleted.[3]

[3] For example the terms “company” and “workplace forum”.

Specific Comments on the Draft Law

20. **Minister's discretionary power. Article 5** of the Act provides the Minister responsible for Labour with broad discretionary power to "exempt any person or public authority or class of persons or a class of public authorities from the operation of all or any of the provisions of this Act or any regulation or rule made thereunder." This broad discretion seems only limited by reference to International Labour Conventions ratified by Eswatini. This broad power undermines the rule of law and creates the potential for abuse. The Office strongly advises the Government to delete Article 5 in its entirety.

> **Recommendation No 1.** The Office recommends that **Article 5 Power of Minister to Exempt** is deleted in its entirety. This broad discretion could create an opportunity for political interference or abuse of power within the labour relations of Eswatini.

Freedom of association and collective bargaining

Right to strike and peaceful protest

21. **Sections 86 through 102** of the Industrial Relations Act, 2000 define the procedures and consequences for taking strike or lockout actions. However, the law does not explicitly provide for the protection of the right to strike. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) noted the Government's public statement that employers are not allowed to resort to replacement labour during the course of a lawful strike action.[4] The Committee requested that the Government make a holistic review of the Industrial Relations Act to ensure that employers may not impede the exercise of the right to strike by dismissing or replacing strikers temporarily or for an indeterminate period. The Draft Law proposes amendments that appear to be intended to address the issue of limiting the impediment to the right to strike. However, the proposals do not explicitly protect the right to strike nor are the procedures simplified to make it clear when a strike or lockout action is lawful.

22. For example, although **Section 87 Strike or lockout action in conformity with this Act** subsection (4) does prohibit an employer from dismissing an employee for participating in a protected strike; subsection (5) creates a broad exception. The employer could fairly dismiss an employee "for a reason based on the employer's operational requirements… based on the economic, technological, structural or similar needs of an employer." This exception appears to give the employer broad discretion to site economic reasons for justifying the dismissal of employees during a "protected strike" or "protected lockout" action.

23. **Section 89 Ministry may apply for order in national interest.** The Office also notes that this section seems to conflict with the procedures defined in Section 92 Establishment of the Essential Service Committee and Section 93 Designating a service as an essential service. There does not seem to be any objective limitation on the Minister's discretion to seek an injunction restraining a strike or lockout action. This broad discretion could undermine the protection of lawful strike or lockout actions and should be limited.

[4] Comments (ilo.org), Direct Request CEACR adopted 2020, published 109th ILC session (2021)

24. **Section 90 Strike or Lockout action prohibited during hearing.** The Draft Law proposes to delete the term "prohibited" from the title of the section and to add language that would require written notice five days before the commencement of a proposed strike or lockout and the notice period "shall not operate as a stay of the strike action or lockout." It is not clear how this section would interact with the procedures defined in **Section 86 Strike or lockout procedures**, particularly subsections (8) and (9) which require forty-eight hours or two days written notice respectively. Rather than adding language to this section, the Office notes that it would be clearer to include this additional language as part of the general description of the procedures under **Section 86.**

25. **Section 100 Prohibited employer practices.** The Office welcomes the proposal to add subsection (3) to the section establishing that violations of an employee's or trade unions' rights would constitute and offence.

26. **Section 102 Refusal to do strikers' work.** Subparagraph (1) allows an employee to refuse to do any work normally done by striking workers. However, subparagraph (2) creates and exception "if such refusal will endanger the life, health and safety of persons or property." This exception is already addressed by the sections related to essential services in **Sections 91** - **94**. The Committee on the Freedom of Association has explained: "Strikers should be replaced only: (a) in the case of a strike in an essential service in the strict sense of the term in which the legislation prohibits strikes; and (b) where the strike would cause an acute national crisis."[5]

27. **Section 102 bis Replacement labour.** The Office also welcomes the proposal to limit an employer's right to hire replacement labour during a protected strike or lockout. Under the new section, an employer may hire replacement workers for the duration of the protected strike or lockout under two circumstances: "a) because its interruption would have the effect of physical destruction to any working area plant or machinery; or b) to prevent an actual danger to life, health or property." The Office suggests that the drafters amend new **102bis (1)(b)** to use the same language found in **102 (2)** namely: "to prevent an actual danger to life, health and safety of persons or property." This exception appears in practice to be very similar to the prohibition of a strike or lockout action in the case of essential services, as defined in **Sections 91 – 94**. The Office seeks further clarification regarding the particular situations when this provision would be relevant.

Recommendation No 2. Although the Office welcomes the proposal to amend **Section 100 Prohibited employer practices,** to include a subsection establishing that violation of the provisions therein would constitute a punishable offence; the Draft Law could more clearly define the right to strike and could simplify the procedures required for lawful strike or lockout actions. In particular, the Government should consider further narrowing or deleting limitations on lawful strike or lockout actions, as still included in **Sections 87, 89, 90, and 102**. The proposed addition of **Section 102 bis** (1)(b) should be amended to be consistent with the language found in **Section 102(2).**

[5] Compilation of decisions of the Committee on Freedom of Association, Sixth Edition, 2018 Paragraph 917.

Registration of Organizations

28. **Section 2. Interpretation** The proposed amendment would include a new definition of the term "trade union". The proposed amendment adds the clause: "not being staff" to distinguish between trade unions and staff associations. The letter from the Ministry of Labour and Social Security requesting technical assistance from the Office indicates, in paragraph 9, that the Labour Advisory Board has been unable to resolve the issue regarding the purpose of these two different categories of workers' organizations.

29. The principal purpose of a trade union is the regulation of relations between employees and employers, including the right to collective bargaining and the right to strike. The definition of a "staff association" is also to regulate relations between staff and the employer. However, the definition "staff" includes many of the characteristics that normally describe management. "Staff" has the authority to act on behalf of the employer, have access to confidential and financial information of the company. The Office welcomes providing "staff" with collective bargaining rights; but it may be clearer if these employees were distinguished from employees who may join trade unions by using the phrase "managerial personnel/staff" and "managerial personnel/staff association". It would also be important for the Ministry to ensure that the existence of "managerial staff associations" would not interfere with or undermine the rights of "trade unions".

30. The Office also notes that this usage of the terms "staff" or "staff association" are not found in other countries of the SADC region.

31. The Office finds that "staff" or "staff associations" may not have the right to strike; as they may participate with the employer in collective bargaining negotiations and lock out actions. Therefore, the drafters should delete "staff association" from **Section 86 Strike or Lockout Procedures** subparagraph (3), and **Section 88 Consequences for strike or lockout action not in conformity with this Part** subparagraph (5).

32. **Section 2** also defines the term "organization" as a "trade union, staff association or employers' association in good standing as the context may require." The reference to "good standing" is not defined elsewhere in the legislation and could be interpreted to imply that if an organization is no longer in "good standing" it's registration may be at risk. The lack of definition regarding the meaning of "in good standing" and how it would be determined should be clarified, or the phrase should be deleted.

33. **Section 27. Registration of organizations** and **Section 32 bis Registration of Federations.** The Draft Law proposes amendments to the length of time provided to the Labour Commissioner to register an organization or a federation, and the length of time for the applicant to rectify an unsatisfactory application. The Office welcomes the definition of ten days for the Labour Commissioner to issue the certificate of registration. However, the reduction of the time for the applicant to rectify a deficient application from thirty days down to five days may be impose an unreasonable burden on the applicant. The drafters should consider whether ten days may be fairer limitation to avoid delays in the registration process. It also appears that the Draft Law would delete additional details about the registration and notification process in both cases. Simplifying the section with this deletion may create additional uncertainty regarding the process and would not make the process less prescriptive. The Office would suggest that the drafters consider redrafting the relevant subsections with the following language:

(4) Where the Commissioner of Labour is not satisfied that the applicant meets the requirements for registration, the Commissioner of Labour ~~(a) may~~ shall give the applicant an opportunity to rectify its application within ~~five (5) days;~~ ten (10) days, from the date of the receipt of the notice. ~~(b)may~~ If the applicant fails to meet the requirements for registration after the ten (10) day period, the Commissioner may refuse the application and send the applicant a written notice of the decision and the reasons to the applicant.

(5) If the applicant meets the requirements for registration, the Commissioner of Labour shall register the applicant by enter the applicant's name in the appropriate register. Then the Commissioner shall issue a certificate of registration; and send the certificate and a certified copy of the registered constitution to the applicant.

~~(5)~~ (6) 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.

Recommendation no. 3: The Office recommends that **Section 27 Registration of organisations** and **Section 32 bis Registration of Federations** are redrafted as suggested, to better balance the interests of the parties for efficiency, while retaining the operational language needed to complete the registration process and to provide the certificate of registration to the applicant.

Labour Dispute Resolution System

34. **Section 10. Representation of the parties.** The Draft bill proposes new language to specify who may represent parties "before the Court". The new text also limits the ability of those representing parties to charge a fee, with the exception of "legal practitioner". The Memorandum of Objects and Reasons explains that the purpose of the amendment is to limit the usage of unregulated "labour consultants" before the Court. However, similar amendments have not been proposed for **Section 17 Arbitration** or **Section 81 Resolution of disputes through conciliation**. The Original language of **Section 10** also included the phrase "any proceedings brought under this Act before the court". If it is the intent of the drafters to limit representation in both alternative dispute resolution mechanisms before the Conciliation Mediation and Arbitration Commission (CMAC) and the Court then the new language in **Section 10** should retain the language related to "any proceedings brought under this Act".

Recommendation no. 4: The Office recommends that the redrafted **Section 10 Representation of the Parties** retain the language applying the section to "any proceedings brought under this Act" so that the section applies to both alternative dispute resolution mechanisms and court cases.

35. **Section 13. Costs**. The Office welcomes the proposal under subparagraph (3) to give the Commission the authority to order payment of costs "according to the requirements of the law and fairness" that would be enforceable as if it were an order of the Court. However, the amendment also slightly modifies the language in the original (1) from "frivolously vexatiously, or with deliberate delay *bringing* or defending a proceeding" to "deliberate delay *prosecuting* or defending". The meaning and purpose of this additional change of term is unclear. Practically speaking, if a worker files a claim that the Court determines is frivolous, it would be dismissed. It is not clear why the term "bringing" is needed in the legislation and changing the word to "prosecuting" appears to imply that public authorities could be involved in enforcing the Act but that they could do so "frivolously vexatiously, or with deliberate delay". It would appear sufficient to simply add the Commission to subsection (1) rather than creating a new subparagraph with slightly different language.

36. **Section 17 Arbitration.** The Draft bill proposes to amend subparagraph (2) of the section to enhance the enforceability of arbitrators' awards through registration with the court. The Office welcomes this proposal to promote the parties access to justice through an enforceable remedy. The question arises whether any subsequent regulations would also need to be adopted by the civil court system to facilitate the implementation of this new rule. The Office would encourage the Ministry of Labour and the Industrial Court to liaise with the Civil Court to formalize this mechanism as soon as practicable.

37. **Section 64 Functions and powers of the Commission.** The Draft Law proposes to addition a new clause (h) to subsection (2) that would allow the Governing Body to approve the Commission to expand services the provision of services. The Office observes that this broad language may not be needed as within **Section 72 Circumstances in which the commission may charge fees** subparagraph (d) allows for "other services as the Commission in agreement with the Labour Advisory Board may permit by notice….." Rather than expanding the primary functions, the Office recommends taking advantage of the flexibility provided in the existing language of **Section 72.**

38. **Section 81 Resolution of disputes through conciliation**. Although the terms "conciliation" and "arbitration" are listed in Section 2 Interpretation, the details of the processes are defined in "Part VIII". **Part VIII Dispute Procedure** is a large section which includes articles related to the establishment of CMAC and strike and lock out procedures. Similarly, **Section 81 Resolution of disputes through conciliation** is a long article defining many different aspects of the procedures and deadlines, however the term "conciliation" itself is not specifically defined. The term "arbitration" is referred to in several sections, for example **Section 17 Arbitration** and **Section 64 Functions and Powers of the Commission**, however the term is not specifically defined. It is important to simply and clearly define the elements of these processes because there are important differences in the role of the "conciliator" or the "arbitrator" and the outcomes of the processes are different.

39. The Office notes that the General Code of Practice defines "individual grievances" and "collective disputes" at the workplace level. However, the Code of Practice does not draw a clear link between these types of disputes and the alternative dispute resolution mechanisms defined in Part VIII Disputes Procedure of the Act. The CMAC website includes a document called "CMAC Rules". However, neither the General Code of Practice nor the CMAC Rules define the "mediation" process. CMAC Rule 14 refers to a "conciliation hearing". Part E Rules that apply to conciliations and arbitrations does not make a distinction between the two proceedings. Without clear and simple definitions and overviews of the differences in the types of proceedings covered by the Act, the dispute resolution processes appear quite complex and ambiguous.

40. At present, there are no ILO Conventions specifically defining these terms. The Office relies on the definitions suggested in the ITC/ILO publication the "Labour Dispute Systems, Guidelines for improved performance".[6] The Guidelines define "conciliation" as a "process in which an independent and impartial third party assists the disputing parties to reach a mutually acceptable agreement to resolve their dispute." "Arbitration" is defined as the "determination of a dispute by one or more independent third parties rather than a court. During arbitration, an arbitrator hears the arguments of both parties to a dispute [reviews the evidence presented] and settles the case by making an award." Therefore, the conciliator assists the parties to jointly define a settlement agreement during a process that is less formal than an arbitration. While the arbitrator is "a person who is appointed to arbitrate a dispute."[7] The arbitrator conducts an adjudication hearing and must define the outcome of the proceeding.

41. The Office encourages the Ministry and CMAC to review the Code of Practice and the CMAC Rules to consider publishing clear and simple procedures for dispute prevention and resolution services so that it may be easier for workers and employers to navigate the dispute resolution process. The Office would also be available to provide further technical assistance related to improving the effectiveness of the labour dispute system of Eswatini.[8]

42. The Draft Law proposes changes to the conciliation procedures related to the Executive Director's power to rescind decisions. However, the proposed amendment to **Section 81 subparagraph (10)** does not include the reference to decisions made in terms of subsection (7) relating to enumerated employment rights, as was found in the original text. The Office seeks clarification whether the intention is to expand the Executive Director's discretion to rescind all decisions and how this would interact with the parties right to appeal to the Industrial Court of Appeal.

Recommendation no. 5: The Office recommends that the drafters make some clarifications related to the powers and procedures for dispute resolution defined in the Act in **Sections 13 and 81.** The Office also suggests that clearer definitions of the different processes for "mediation", "conciliation" and "arbitration" either in the General Code of Practice or in the CMAC Rules would be helpful for parties using CMAC services. Lastly, the Office notes that the flexibility provided in subparagraph (d) of **Section 72 Circumstances in which the Commission may charge** fees is sufficient, and the proposed amendment to **Section 64 Functions and powers of the Commission (2) (h)** may not be necessary.

[6] See the Labour Dispute Systems: Guidelines for improved performance (ilo.org)

[7] CMAC Rules Section 2 Interpretation.

[8] The ITC/ILO Turin Centre offers a number of courses related to dispute resolution, including: Building Effective Labour Dispute Prevention and Resolution Systems, which will be offered 20-24 November 2023.

Annex 1

List of Conventions ratified by Eswatini

33 Conventions

- Fundamental Conventions: **8 of 10**
- Governance Conventions (Priority): **2 of 4**
- Technical Conventions: **23 of 176**
- Out of **33** Conventions ratified by Eswatini, of which **26** are in force, **2** Conventions have been denounced; **5** instruments abrogated; **none** have been ratified in the past 12 months.

Fundamental Conventions	Date	Status
C029 - Forced Labour Convention, 1930 (No. 29)	26 Apr 1978	In Force
C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	26 Apr 1978	In Force
C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	26 Apr 1978	In Force
C100 - Equal Remuneration Convention, 1951 (No. 100)	05 Jun 1981	In Force
C105 - Abolition of Forced Labour Convention, 1957 (No. 105)	28 Feb 1979	In Force
C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	05 Jun 1981	In Force
C138 - Minimum Age Convention, 1973 (No. 138)*Minimum age specified: 15 years*	23 Oct 2002	In Force
C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)	23 Oct 2002	In Force

Governance (Priority) Conventions	Date	Status
C081 - Labour Inspection Convention, 1947 (No. 81)	05 Jun 1981	In Force
C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	05 Jun 1981	In Force

Technical Conventions	Date	Status
C005 - Minimum Age (Industry) Convention, 1919 (No. 5)	26 Apr 1978	Not in force
C011 - Right of Association (Agriculture) Convention, 1921 (No. 11)	26 Apr 1978	In Force
C012 - Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)	26 Apr 1978	In Force
C014 - Weekly Rest (Industry) Convention, 1921 (No. 14)	26 Apr 1978	In Force
C019 - Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)	26 Apr 1978	In Force
C026 - Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)	26 Apr 1978	In Force
C045 - Underground Work (Women) Convention, 1935 (No. 45)	05 Jun 1981	In Force

C050 - Recruiting of Indigenous Workers Convention, 1936 (No. 50)	26 Apr 1978	Not in force
C059 - Minimum Age (Industry) Convention (Revised), 1937 (No. 59)	26 Apr 1978	Not in force
C064 - Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64)	26 Apr 1978	Not in force
C065 - Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65)	26 Apr 1978	Not in force
C086 - Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86)	26 Apr 1978	Not in force
C089 - Night Work (Women) Convention (Revised), 1948 (No. 89)	05 Jun 1981	In Force
C090 - Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)	05 Jun 1981	In Force
C094 - Labour Clauses (Public Contracts) Convention, 1949 (No. 94)	05 Jun 1981	In Force
C095 - Protection of Wages Convention, 1949 (No. 95)	26 Apr 1978	In Force
C096 - Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)*Has accepted the provisions of Part II*	05 Jun 1981	In Force
C099 - Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)	05 Jun 1981	In Force
C101 - Holidays with Pay (Agriculture) Convention, 1952 (No. 101)	05 Jun 1981	In Force
C104 - Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104)	05 Jun 1981	Not in force
C123 - Minimum Age (Underground Work) Convention, 1965 (No. 123)*Minimum age specified: 16 years*	05 Jun 1981	In Force
C131 - Minimum Wage Fixing Convention, 1970 (No. 131)	05 Jun 1981	In Force
C160 - Labour Statistics Convention, 1985 (No. 160)*Acceptance of Articles 7, 8, 10 and 12 to 15 of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.*	22 Sep 1992	In Force