

# ESWATINI

Sub-Saharan Africa

Lower-middle-income country

Overall  
Score

2020

2022

48



Newly  
added

LRI  
RATING

Total Lack of Access to Decent Work



0 - 50

TOTAL LACK OF  
ACCESS TO  
DECENT WORK

50.5 - 60

BASIC  
ACCESS TO  
DECENT WORK

60.5 - 70

LIMITED  
ACCESS TO  
DECENT WORK

70.5 - 80

REASONABLE  
ACCESS TO  
DECENT WORK

80.5 - 90

APPROACHING  
ACCESS TO  
DECENT WORK

90.5 - 100

ACCESS TO  
DECENT WORK

The country rating is based on the overall score of 0-100, with the following coding: The overall score ranges from 0 to 100, where 100 signifies the highest possible score and 0 signifies the lowest possible score. The score indicates "access to decent work" by law.

## Contextual Indicators

|                                         |         |                                                  |        |                                                  |                                       |                                       |
|-----------------------------------------|---------|--------------------------------------------------|--------|--------------------------------------------------|---------------------------------------|---------------------------------------|
| Population (2022)                       | 1.20 M  | Total Fertility (rate) (2022)                    | 2.79   | Female Labour Force <sup>4</sup> (2024)          | A : 0.19 M                            | B : 47% (participation rate)          |
| Labour Force (2024)                     | 0.41 M  | Trade Union (density) (2016)                     | 24%    | Non-Standard Employment <sup>5</sup>             | A : 22% (part-time employment) (2021) | B : 22% (temporary employment) (2021) |
| GDP per Capita (2022)                   | \$3,987 | Collective Bargaining (coverage) (2016)          | 28%    | Work Injuries <sup>6</sup> (per 100,000 workers) | A : No Data (fatal)                   | B : No Data (non-fatal)               |
| Poverty Headcount <sup>1</sup> (2016)   | 59%     | Social Protection <sup>3</sup> (coverage) (2022) | 36%    | Minimum Wage <sup>7</sup> (April 2024)           | SZL                                   | 420                                   |
| Informal Employment <sup>2</sup> (2021) | 53%     | Workers per Labour Inspector <sup>8</sup> (2023) | 24,185 | Living Wage <sup>9</sup> (April 2024)            | SZL                                   | 13,871                                |

Sources: World Bank | International Labour Organization | WageIndicator Minimum Wages and Living Wages Database | M = Million  
GDP per Capita in USD (\$) | wages shown in local currency and per month

## At a glance

For Eswatini, the labour legislation applicable at the national level is analysed and scored. Different rules may apply in other jurisdictions, necessitating review of other sources.

Following this approach, Eswatini's overall score is 48 out of 100. The overall score for Eswatini is lower than the regional average observed across Sub-Saharan Africa (66). Within the Sub-Saharan Africa region, the highest score is observed for Côte d'Ivoire (84.5).

The country scores on the Labour Rights Index must be interpreted with caution, considering also the contextual indicators like the size of the population and labour force, informal employment in the country, social protection coverage, level of economic development (as measured by GDP per capita), female labour force participation rate, incidence of non-standard employment in the form of part-time employment and temporary employment as well as work injuries, both fatal and non-fatal. Trade union density and collective bargaining coverage rates are also relevant contextual indicators to assess the state of freedom of association and collective bargaining in the country.



Overall  
Index Score  
**48**

**Eswatini**

Indicator scores on Labour Rights Index 2024

|                 |                           |                          |                              |                              |
|-----------------|---------------------------|--------------------------|------------------------------|------------------------------|
| 1<br>Fair Wages | 2<br>Decent Working Hours | 3<br>Employment Security | 4<br>Family Responsibilities | 5<br>Maternity at Work       |
| 40              | 80                        | 60                       | 0                            | 20                           |
| 6<br>Safe Work  | 7<br>Social Security      | 8<br>Fair Treatment      | 9<br>Child & Forced Labour   | 10<br>Freedom of Association |
| 75              | 60                        | 20                       | 100                          | 25                           |

For each indicator, the score ranges from 0 to 100, where 100 signifies the highest possible score and 0 signifies the lowest score. The overall score is the average of 10 indicators.

## About Labour Rights Index

The Labour Rights Index 2024 (LRI 2024) is a de-jure index covering 145 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Access to Decent Work" to "Access to Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG 5 (Gender Equality), SDG 8 (Decent Jobs), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Labour Rights Index scores countries based on applicable labour laws only. It does not comment on actual working conditions or labour law compliance in workplaces. The legislation that is used to score the country under the Labour Rights Index is generally national or federal level legislation. In cases where the legislation is enacted at the provincial/regional or state level, the Index analyses the labour legislation applicable to the most populous province/region or state (in federal, confederal or other complex structure states). Scoring for each country is based on labour legislation, as applicable on 1 January 2024.

\*Please check page 4 of the country profile for explanatory end notes.

In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2022), the opposite legend is used.

 Score increase  Score decrease  Score adjustment  Methodological change  No change

## 1. FAIR WAGES

40

| QUESTION                                                                                           | ANSWER | LEGAL BASIS                                                                                                                           | TREND                                                                               |
|----------------------------------------------------------------------------------------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Does the legislation or collective negotiation set and determine the minimum wages in the country? | Yes    | §11 of the Wages Act, 1964; §3 of the Regulation of Wages (Textile and Apparel Industry) Order, 2023                                  |  |
| Does the law require regular and timely payment of wages?                                          | No     | §47 of the Employment Act, 1980                                                                                                       |  |
| Does the law require overtime compensation to be at least 125% of the regular hourly rate?         | Yes    | §11 of the Wages Act, 1964; §61 of the Employment Act, 1980; §6 of the Regulation of Wages (Textile and Apparel Industry) Order, 2023 |  |
| Does the law require any additional compensation for working on a weekly rest day?                 | No     | §6 of the Regulation of Wages (Textile and Apparel Industry) Order, 2023                                                              |  |
| Does the law require additional compensation for night work?                                       | No     | No applicable legal provisions could be located                                                                                       |  |

## 2. DECENT WORKING HOURS

80

|                                                                                        |     |                                                                                                                 |                                                                                       |
|----------------------------------------------------------------------------------------|-----|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Does the law stipulate general weekly working hours as 48 hours or lower?              | Yes | §5 of the Regulation of Wages (Textile and Apparel Industry) Order, 2023                                        |    |
| Does the law restrict maximum working hours, including overtime, to 56 hours per week? | No  | No applicable legal provisions could be located                                                                 |    |
| Does the law require a paid weekly rest of at least 24 consecutive hours?              | Yes | §5 of the Regulation of Wages (Textile and Apparel Industry) Order, 2023                                        |  |
| Does the law require paid public holidays?                                             | Yes | §7 of the Regulation of Wages (Textile and Apparel Industry) Order, 2023; §1-5 of the Public Holidays Act, 1938 |  |
| Does the law require at least three working weeks of paid annual leave?                | Yes | §8 of the of the Regulation of Wages (Textile and Apparel Industry) Order, 2023                                 |  |

## 3. EMPLOYMENT SECURITY

60

|                                                                                                                                     |     |                                                                                                                       |                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Does the law require a written employment contract or employment particulars to be given to a worker on commencement of employment? | Yes | §22 of the Employment Act 1980; Second Schedule of the Regulation of Wages (Textile and Apparel Industry) Order, 2023 |  |
| Does the law restrict the hiring of fixed-term contract workers?                                                                    | No  | No applicable legal provisions could be located                                                                       |  |
| Does the law limit the length of the probation period, including renewals, to three months?                                         | Yes | §32 of the Employment Act 1980                                                                                        |  |
| Does the law require a 30-day notice period before employment contract termination?                                                 | Yes | §33 of the Employment Act 1980                                                                                        |  |
| Does the law require severance pay at the rate of at least two weeks of wages for every year of service?                            | No  | §34 Employment Act 1980                                                                                               |  |

## 4. FAMILY RESPONSIBILITIES

0

|                                                                                              |    |                                                 |                                                                                       |
|----------------------------------------------------------------------------------------------|----|-------------------------------------------------|---------------------------------------------------------------------------------------|
| Does the law require a four-month parental leave for parents?                                | No | No applicable legal provisions could be located |  |
| Does the law require at least one week of paid paternity leave for fathers?                  | No | No applicable legal provisions could be located |  |
| Does the law require flexible working arrangements for workers with family responsibilities? | No | No applicable legal provisions could be located |  |
| Does the law require paid nursing breaks?                                                    | No | §103 of the Employment Act, 1980                |  |

In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2022), the opposite legend is used.

● Score increase ● Score decrease ● Score adjustment ● Methodological change ○ No change

## 5. MATERNITY AT WORK

20

| QUESTION                                                                                                                                                                     | ANSWER | LEGAL BASIS                                                                                                   | TREND |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|---------------------------------------------------------------------------------------------------------------|-------|
| Does the law prohibit inquiring about pregnancy during recruitment?                                                                                                          | No     | No applicable legal provisions could be located                                                               | ○     |
| Does the law require maternity leave of at least 14 weeks?                                                                                                                   | No     | \$103 Employment Act 1980; \$11 of the Regulation of Wages (Textile and Apparel Industry) Order, 2023         | ○     |
| Does the law require cash maternity benefits to be at least two-thirds (66.67%) of a worker's former wage?                                                                   | No     | \$103 Employment Act, 1980; \$11 of the Regulation of Wages (Textile and Apparel Industry) Order, 2023        | ○     |
| Does the law require cash maternity benefits to be paid through a contributory social insurance or a universal benefits system or such benefits are an employer's liability? | No     | \$103 of the Employment Act, 1980; \$11 of the Regulation of Wages (Textile and Apparel Industry) Order, 2023 | ○     |
| Does the law protect workers from dismissals during or on account of pregnancy?                                                                                              | Yes    | \$105 (1)(c) of the Employment Act, 1980                                                                      | ○     |

## 6. SAFE WORK

75

|                                                                                                          |     |                                                        |   |
|----------------------------------------------------------------------------------------------------------|-----|--------------------------------------------------------|---|
| Does the law require employers to provide free personal protective equipment to workers?                 | Yes | \$9(4) of the Occupational Safety and Health Act, 2001 | ○ |
| Does the law require employers to train workers on health and safety issues?                             | Yes | \$9(6) of the Occupational Safety and Health Act, 2001 | ○ |
| Does the law restrict work that is prejudicial to the health of the mother or the child?                 | No  | \$101 of the Employment Act, 1980                      | ○ |
| Does the law provide for employment injury benefits in the event of an occupational accident or disease? | Yes | \$5 & 25 of the Workmen's compensation Act, 1983       | ○ |

## 7. SOCIAL SECURITY

60

|                                                                                                    |     |                                                                                                                   |   |
|----------------------------------------------------------------------------------------------------|-----|-------------------------------------------------------------------------------------------------------------------|---|
| Does the law provide for an old age benefit?                                                       | Yes | \$25 and 29 of the Swaziland National Provident Fund Order, 1974; ISSA Country Profile for Eswatini               | ○ |
| Does the law provide for survivors' benefits?                                                      | Yes | \$28 of the Swaziland National Provident Fund Order, 1974                                                         | ○ |
| Does the law provide for unemployment benefits?                                                    | No  | No applicable legal provisions could be located                                                                   | ○ |
| Does the law require paid sick leave (and sickness benefits) for the first six months of sickness? | No  | \$129 & 130 of the Employment Act 1980; \$9 of the Regulation of Wages (Textile and Apparel Industry) Order, 2023 | ○ |
| Does the law provide for invalidity benefits?                                                      | Yes | \$26 of the Swaziland National Provident Fund Order, 1974                                                         | ○ |

## 8. FAIR TREATMENT

20

|                                                                                            |     |                                                 |   |
|--------------------------------------------------------------------------------------------|-----|-------------------------------------------------|---|
| Does the law require equal remuneration for men and women workers for work of equal value? | No  | \$96 of the Employment Act, 1980                | ○ |
| Does the law prohibit sexual harassment in employment?                                     | No  | No applicable legal provisions could be located | ○ |
| Does the law prohibit discrimination in employment matters?                                | Yes | \$29 of the Employment Act, 1980                | ○ |
| Does the law allow women to do the same job as men?                                        | No  | \$101 of the Employment Act, 1980               | ○ |
| Does the law guarantee basic labour protection to the platform workers?                    | No  | No applicable legal provisions could be located | ○ |

## 9. CHILD AND FORCED LABOUR

100

| QUESTION                                                                                           | ANSWER | LEGAL BASIS                                                                                                                      | TREND <sup>12</sup>   |
|----------------------------------------------------------------------------------------------------|--------|----------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| Does the law prohibit the employment of children?                                                  | Yes    | \$2,97 & 98 of the Employment Act, 1980; \$2, 234, and 238 of the Children's Protection and Welfare Act, 2012                    | <input type="radio"/> |
| Does the law set employment entry age equal to or higher than the compulsory schooling age?        | Yes    | \$2,97 & 98 of the Employment Act 1980; \$10 of the Free Primary Education Act, 2010                                             | <input type="radio"/> |
| Does the law prohibit the employment of young persons in hazardous work under the age of 18 years? | Yes    | \$2, 235-238 of the Children's Protection and Welfare Act, 2012                                                                  | <input type="radio"/> |
| Does the law prohibit forced labour?                                                               | Yes    | \$2,144,145 &147 of the Employment Act, 1980; \$2 & 12-16 of the People Trafficking and People Smuggling (Prohibition) Act, 2009 | <input type="radio"/> |

## 10. FREEDOM OF ASSOCIATION<sup>11</sup>

25

|                                                                                                                     |     |                                                                                                      |                       |
|---------------------------------------------------------------------------------------------------------------------|-----|------------------------------------------------------------------------------------------------------|-----------------------|
| Does the law allow workers to form and join unions of their own choice?                                             | Yes | \$25 & 32 of Constitution of Eswatini, 2005; \$98 of the Industrial Relations Act, 2000              | <input type="radio"/> |
| Does the law allow workers to bargain collectively with employers through their representative unions?              | No  | \$32 of Constitution of Eswatini, 2005; \$42 of the Industrial Relations Act, 2000                   | <input type="radio"/> |
| Does the law provide the right to strike?                                                                           | No  | \$25 of Constitution of Eswatini, 2005; \$40, 91, 93 & 94 of the Industrial Relations Act, 2000      | <input type="radio"/> |
| Does the law prohibit imposing excessive sanctions against striking workers, including replacement of such workers? | No  | \$25 of Constitution of Eswatini, 2005; \$40(13), 87, 88 & 110 of the Industrial Relations Act, 2000 | <input type="radio"/> |

<sup>1</sup> Proportion of population living below the national poverty line (%), as measured under the SDG 1.2.1

<sup>2</sup> Share of informal employment in total employment (%), as measured under the SDG 8.3.1

<sup>3</sup> Proportion of the country population covered by social protection floors, as measured under the SDG 1.3.1

<sup>4</sup> The female labour force is shown in absolute number (A) along with the female labour force participation rate (B)

<sup>5</sup> Non-Standard Employment has been defined as part-time employment (A) and temporary employment (B)

<sup>6</sup> Rate of fatal (A) and non-fatal work injuries (B) per 100,000 workers, as measured under the SDG 8.8.1

<sup>7</sup> Minimum Wage and Living Wage amounts are shown in local currency. The amounts are retrieved from the WageIndicator Minimum Wage Database and the WageIndicator Living Wage Database. The minimum wage amounts are those as were applicable on 1 April 2024. The Living Wage amounts are from the April 2024 data release by the WageIndicator. Given the declining share of labour income (a widely used measure of inequality, measuring the proportion of total income in a country that employed people earn by working), the contextual indicators on minimum wage and living wage are relevant.

<sup>8</sup> Robust legislation, backed by effective enforcement, forms the foundation for achieving decent work in practice. In this regard, it is relevant to see if the country has an adequate number of labour inspectors. While the Labour Inspection Convention, 1947 (No. 81) calls for a "sufficient number" of inspectors to do the work required, there is currently no official definition for a sufficient number of inspectors. In its 2006 General Survey on Labour Inspection, the ILO referred to the following benchmarks on the number of labour inspectors in the country in relation to the labour force: 1:10,000 in industrial market economies, 1:15,000 in rapidly industrializing economies, 1:20,000 in transition economies, and 1:40,000 in less developed countries. The latest guidance from the ILO (2022) however emphasizes a more holistic evaluation of national context rather than solely a ratio of labour inspectors to the size of labour force.

<sup>9</sup> The Living Wage estimates shown in this country profile are for a typical family (lower bound) that comprises two adults. The number of children is determined by the country-specific fertility rate, representing the average number of children in a family. One adult is engaged for 100% of normal working hours, while the working hours of the second adult are approximated based on the national labour force participation rate. The combined wage earned by two adults, each receiving a living wage, is designed to meet the requirements for achieving a decent standard of living for the family. For further details on this, please check here: <https://wageindicator.org/salary/living-wage>

<sup>10</sup> The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

<sup>11</sup> The Freedom of Association indicator of the Labour Rights Index uses Observations/Direct Requests from the ILO Committee of Experts on Application of Conventions and Recommendations (CEACR), the US Department of State's Country Reports on Human Rights Practices (USDOS CRHRP) and the country's legal profiles under the ITUC Global Rights Index 2024 to measure a country's compliance with the right to freedom of association and collective bargaining. A country's score on the LRI's Freedom of Association indicator must also be read together with the SDG indicator 8.8.2, which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACL rights) and 10 the worst (indicating lower levels of compliance with FACL rights). The score for Eswatini on the latest available data of the SDG 8.8.2 is "0.75" (2022). Other than SDG 8.8.2, we suggest considering the country's score on ITUC's latest Global Rights Index. The score for Eswatini in 2024 is "5". As explained by the ITUC, "Countries are rated in clusters from 1-5+ depending on their compliance with collective labour rights, with 1 being the best rating and 5+ the worst rating a country could get. A high-rated cluster means that workers in the country have no right to their collective voice due to government failure to guarantee rights".

<sup>12</sup> In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2022), the legislative table indicates improvement or worsening of de-jure labour rights in country through the following colours.

● Score improved due to a positive legislative reform

● Score worsened due to a negative legislative reform

● Score is adjusted for the country due to a minor revision in the methodology for the Social Security indicator

● Score is adjusted for the country due to better access to the country's legal sources, or where the score for the Freedom of Association indicator is adjusted based on the latest reports from ILO, USDOS & ITUC Global Rights Index 2024

○ No change