



Zimbabwe: Annual Survey of Violations of Trade Union Rights (2000)

- [Cases before the ILO's Committee on Freedom of Association](#)
- [ILO core conventions ratified](#)

Respect for trade union rights and civil liberties continued to deteriorate dramatically.

Tsvangirai attacked

An attempt on the life of Morgan Tsvangirai, the secretary-general of the ZCTU national trade union centre at the end of 1997, was believed to be politically motivated. He was taken to hospital unconscious after being attacked by seven armed men. The attack took place two days after the country's biggest ever protest strike.

Suspect acquitted

In March 1998 the police announced that they were closing the Tsvangirai case because their investigations were fruitless. The ZCTU wrote to the Attorney General in June 1998, requesting him to re-open the investigation into the attack and providing the names of three suspects. A suspect was acquitted of the assault in court in August 1999.

On 20 January 1999, three men beat the deputy secretary general of the ZCTU, Isadore Zindoga, who is also the general secretary of the textile union. One of the attackers was believed to be a police officer. The incident took place after three men in a blue Datsun car followed him around Harare. When he got out to ask them what they were doing, they beat him unconscious with an iron pole.

Six-month strike ban

On 27 November 1998, President Mugabe had declared national strikes illegal for a six-month period. The ZCTU had held a series of strikes in 1998 and was in the process of holding weekly stay-aways in protest at the dire economic situation.

Workers' living standards had been greatly affected by the rapid economic decline. Inflation rose to 40-50 per cent. The prices of basic foodstuffs spiralled, and the plunging currency nearly collapsed. The government persistently failed to take the views of the social partners into account.

President Mugabe used special powers under the Presidential Powers (Temporary Measures) Decree to suspend the Labour Relations Act. A trade union could be de-registered for disobeying the ban, and any person inciting a strike could be jailed for a maximum of three years or fined Z\$100,000, or both. Employers were given the go-ahead to fire any worker taking part in an illegal strike.

Lawyers said that the ban was unconstitutional, and the ZCTU challenged the Decree in the High Court. In February, the parliamentary legal committee ruled that the Decree was unconstitutional.

On 26 May government said it would not renew the ban.

Unpopular government measures

In June, the government made proposals to amend the Labour Relations Act to entrench the provisions contained in the Presidential Powers Decree into law, despite the opposition of the ZCTU and the other social partners. On 5 August, it withdrew its proposals after concerted pressure.

At the end of the year the government proposed an AIDs levy on all workers. In December, the ZCTU met to call for a cost of living increase and to discuss an indefinite stay-away in January to protest against the levy.

Developments in Zimbabwe

[Arrest of 41 Trade Unionists in Zimbabwe \(9/10/2003\)](#)

[Update from the ZCTU on repression of union protests in Zimbabwe \(9/10/2003\)](#)

[Zimbabwe: Mass arrests of trade unionists by Mugabe regime \(8/10/2003\)](#)

[ICFTU-AFRO/Zimbabwe: Protest letter to President Robert Mugabe \(12/6/2003\)](#)

[Zimbabwe : Letter to President Mugabe on Arrest of Trade Union Leaders \(23/4/2003\)](#)

Constitutional reform

In February 1999, the ZCTU resolved to pull out of the Tripartite Negotiating Forum, set up in 1998, because of the strike ban. The ZCTU was also demanding that the government uphold the decision of the National Constitutional Assembly (NCA) on procedures to formulate a new constitution. The NCA was made up of various civic groups including the ZCTU, and had been set-up in 1997.

Later in the month, the ZCTU and pro-democracy civic groups decided to facilitate the setting up of a political party. The party was expected to be formally launched within six months, and would seek constitutional reform. The Movement for Democratic Change was initially launched in May, although not formally launched until September.

The government argued that it had a mandate for constitutional reform through an appointed Presidential Commission, but at end of June the NCA said that it would not co-operate with the Commission.

In December the ZCTU and NCA said they rejected the government's draft constitution which was going to be submitted to referendum in 2000. The draft did not provide for the right to strike.

Strike action

In January 1999, the board of directors of the Post and Telecommunications Corporation of Zimbabwe (PTC) said that the strike which began on 18 January by PTC engineers and technicians for a pay increase was illegal. It threatened strikers who did not return to work with the sack. The dispute had been going on for ten months. Another strike took place at the PTC in April.

On 17 March, workers at the state-owned railway went on strike over management's decision not to pay 18 months of outstanding allowances. The management said that the strike was illegal. Railways are an essential service in Zimbabwe.

On 16 June, teachers, public servants and nurses associations went on strike for a 20 per cent cost of living adjustment. One week later, the government said that those who continued striking would be severely dealt with.

Hotel and catering workers went on strike from 10 September. Four days later, heavily armed riot police fired tear gas at a small group of strikers from the hotel and catering industry, who were waiting outside a library to be addressed by the union leader.

Restrictions in labour legislation

The 1985 Labour Relations Act provided for workers' committees to be set up at each workplace, and to negotiate with management on a wide range of plant-level matters, excluding wages. The committees exist alongside trade unions, and are legally independent of them.

The 1992 Amendment to the Labour Relations Act provided for collective bargaining but the role and status of trade unions were further diminished by the greater emphasis on workers' committees. Works Councils, composed of management and workers' committees, were given powers to negotiate collective agreements or employment codes.

These can override industry-wide agreements reached by employment councils, made up of unions and employers. The government can veto agreements, which it believes are harmful to the economy.

The 1992 Act also provided a broad definition of managerial employees, which included workers such as foremen and supervisors, and excluded them from union membership.

Long and extremely cumbersome procedures must be followed before workers can go on strike, which makes legal strikes extremely difficult to organise. The law gives a wide definition of essential services in which strikes are banned. The Minister of Labour can at any time designate any service or occupation as essential. Almost all strikes are declared illegal.

Labour law bans union dues from being used for political purposes. The Minister of

Labour has wide powers of control over union finances and can even set the level of union dues.

Zones exempted from labour regulations

Export processing zones were exempted from labour law regulations under the 1995 Export Processing Zone Act. In 1996 the government introduced special regulations which govern the terms and conditions of employment in the EPZs.

The employees are mainly young women. The working hours are long, overtime is paid at normal rates, strikes are banned, workers are denied legal representation in disputes with employers, and workers can be fired at will. Workers' Committees have limited powers.

In June 1999, the ZCTU reported that unfair labour practices had increased in the EPZs.

New harmonised labour bill

? At the beginning of 1999, the government produced the fifth draft, since 1993, of the harmonised labour bill, which was expected to apply to both private and public sector employees. There was no further progress on the bill in 1999.

? The bill allows public servants, teachers and nurses to belong to unions, bargain collectively and have limited strike rights, although it proposes that membership of the Bargaining Council would be at the discretion of the Minister of Labour.

Currently, these workers cannot join trade unions, and the government determines their conditions of employment. They are allowed to join associations, which cannot bargain collectively or strike.

? The bill narrows the definition of managerial employees. It maintains the provision that the Minister of Labour could refuse to register collective agreements on unspecified grounds. It also reproduces strike provisions in the previous law making legal strikes virtually impossible. The ZCTU said that scope for conciliation, mediation and arbitration was limited in the new bill, and questioned the purpose of the proposed Labour Advisory Board.

? In 1996 the ZCTU reported that the principle of getting rid of the workers' committees and replacing them with trade union committees had been agreed in tripartite discussions and was expected to be incorporated into a new harmonised labour law. The ZCTU said that members of the committees must also be active trade union members.

? Restrictions on the right to strike are maintained in the draft.

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