



Report on Zimbabwe from the Annual Survey of Violations of Trade Union Rights (1999)

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ZIMBABWE

Respect for trade union rights and civil liberties deteriorated. National strikes were banned for six months in November. The ZCTU deputy general secretary was beaten unconscious by three men at the beginning of 1999, one of whom was believed to be a police officer.

Attack on union leader

There was an attempt on the life of Morgan Tsvangirai, the secretary-general of the ZCTU national trade union at the end of 1997 which was believed to be politically motivated. He was taken to hospital unconscious after being attacked by seven armed men on 11 December, just two days after the ZCTU had led country's biggest ever protest strike. The strike was called to protest against a 5 per cent levy on wages to finance compensation payments for veterans of the independence struggle, the imposition of a 2.5 per cent sales tax, and an increase in fuel and electricity costs.

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, requesting him to re-open the investigation into the attack on Morgan Tsvangirai. They provided the names of three suspects.

Stay-away

On 3 March 1998 the ZCTU called a two-day stay-away because of the deepening economic crisis. The government had removed subsidies on basic commodities leading to massive price rises and imposed a 15 per cent tax on pension profits, in addition to the sales tax, and the 5 per cent levy. Inflation, unemployment and interest rates were high and the currency was depreciating.

Allegations against ZCTU

The government said that it would use all its powers to crush the stay-away, and the police and troops would be deployed on the streets. It made unfounded claims that the ZCTU were puppets of the white community which President Mugabe accused of backing the unions in retaliation for his government's plans to seize mostly white-owned farms to resettle black farmers. The ZCTU said that splinter unions sponsored by the authorities were also making the same allegations.

President Mugabe also accused the ZCTU of being responsible for the food riots which had taken place in January and made a personal attack on the ZCTU leaders. He said that the government considered the ZCTU as an opposition party.

Intimidation

The Labour Minister issued a show cause order before the stay-away and obtained a court order to stop it which the unions said they would ignore. The Minister declared the strike illegal. The Minister for Industry and Commerce threatened to punish both workers and employers who observed the stay-away, and singled out public servants and school head-teachers.

The stay-away went ahead without incident, with the workers staying at home on the ZCTU's advice.

Immediately after the stay-away, on 5 March, a fire, believed to be arson, was started in a wing of the ZCTU's regional offices in Bulawayo at 07.00H.

Union leaders under surveillance

ZCTU officials were called before a Labour Tribunal on 12 March in connection with the show cause order issued before the stay-away. There were fears that the government may attempt to ban the ZCTU because it had ignored the show cause order. The union's officials said that they were under constant surveillance and were being followed by people in unregistered vehicles.

Plans to de-

On 13 March, the Zimbabwe Independent newspaper reported that it had evidence

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register the ZCTU	<p>that the government was drawing up a plan to de-register the ZCTU. This had been confirmed by staff members in the Ministry of Public Service, Labour and Social Welfare who said that they had been asked to explore ways of de-registering the national centre.</p>
Reporting black-out	<p>On 14 March, the President ordered the state media not to report on ZCTU activities. After the stay-away, the ZCTU had called for a boycott of the state-owned Zimbabwe Herald after it and the state-run Zimbabwe Broadcasting Corporation (ZBC) had urged workers to ignore the stay-away and had imposed a reporting blackout on it.</p>
Striking workers sacked	<p>Many strikes took place during the year because of the decline in real wages. The state-owned post and telecommunications company, the PTC, sacked 600 workers at the main Harare post office, who went on strike in May. They were later reinstated.</p> <p>The ZCTU continued to call on the government to hold talks about the economic crisis. At a meeting in July, President Mugabe promised to undertake a tax and price review.</p> <p>But the government rejected four of the ZCTU's five main demands. The ZCTU said it would call a five-day stay-away. It called on the government to return to the negotiating table.</p>
Government rejects ZCTU demands	
Restrictions on strikes and gatherings	<p>On 1 August, the government published new rules under the Law and Order (Maintenance) Act banning strikes in certain sectors and restricting political and public gatherings. Organisers were required to notify officials or seek police permission at least seven days before calling any gathering or march. Only three speakers could address a gathering, and the state had the right to record the speeches. "Bona fide" meetings were exempted from the regulations.</p> <p>Finance, commerce and industry were declared as essential services, making it a criminal offence to incite a strike in these sectors. Violators of the provisions on public gatherings and processions could be fined or jailed for at least six months. The strike ban contained provisions for ten-year jail terms for contravening the new law. Constitutional lawyers said that it was illegal.</p>
Government concessions	<p>On 4 August, the Chief Law Officer said that the restrictions, which had been introduced two days earlier, had been published "in error".</p> <p>At the beginning of September the government said it would scrap the sales tax, the development levy and the pensions tax. It agreed to raise the first income tax threshold and to include the ZCTU in the National Economic Consultative Forum, established earlier in the year. It was thought that President Mugabe wished to avoid a stay-away as he feared it may become a focus for opposition to the cost of sending Zimbabwean troops to the Democratic Republic of Congo.</p>
Price rises and renewed protests	<p>Towards the end of September, the government unilaterally increased the prices of basic commodities by up to 40 per cent and fuel price rises were expected. At the beginning of October the ZCTU said it would demand a statutory wage increase of 20 per cent.</p> <p>There were violent protests by unpaid municipal workers during the month. Transport workers went on strike after fuel prices rose by 67 per cent. The ZCTU said it would hold a stay-away every Wednesday.</p>
Stayaway	<p>The first stay-away took place on 11 November. There were a few isolated cases of violence in which one youth was shot dead and others were injured, in Mutare. The Public Service Commission instructed all heads of ministries to record names of employees who did not report for duty and said that offenders would be disciplined. There were reports that the government was going to ban demonstrations.</p> <p>The government agreed to talk to the ZCTU again but no agreement was reached. Another stay-away was held on 18 November. The Zimbabwe Broadcasting Corporation continued its black-out of ZCTU activities.</p>
Tripartite	<p>The ZCTU called off the next stay-away to give the government time to respond to its</p>

negotiating forum	demands, which now included therecovery of money lost through corruption; an audit of government tenders; a new constitution; the freeing of the media from state control; and a reduction in the number of cabinet ministers from 55 to 15. The government agreed to convene a tripartite negotiating forum.
National strikes declared illegal	<p>On 27 November, President Mugabeused special powers under the Presidential Powers (Temporary Measures) Act to amend theLabour Relations Act. National strikes were declared illegal for six months. A trade union could be de-registered for disobeying the ban. Lawyers said the ban was unconstitutional. The ZCTU decided to mount a legal challenge to the ban. Employers were given the go-ahead to fire any worker taking part in an illegal strike.</p> <p>There was little progress at a meeting between the ZCTU and the government on 9 December. The ZCTU said it would hold stay-aways in early 1999. A further meeting was held with the government.</p>
ZCTU investigated by securityservices	At the end of December, there were press reports that Zimbabwe's security services had been investigating the ZCTU because of suspicions that it was receiving foreign funding to mount a challenge to President Mugabe in the 2001 elections.
Another union leader attacked	On 20 January 1999, just over a year after the attack on Morgan Tsvangirai, Isidore Zindoga, the deputy secretary general of the ZCTU, was beaten unconscious by three men, one of whom was believed to be a police officer. The incident took place after he had been followed around Harare by three men in a blue Datsun car. When he got out to ask them what they were doing, they beat him unconscious with an iron pole.
Role and status of unions undermined	<p>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.</p> <p>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.</p>
Exclusion from union membership	The 1992 Act also provided abroad definition of managerial employees, which included workers such as foremen and supervisors, and excluded them from union membership.
Restrictive strike laws	Long and extremely cumbersomeprocedures must be followed before workers can go on strike, making legal strikesvirtually impossible. The law gives a wide definition of essential services in whichstrikes are banned. The Minister of Labour can at any time designate any service or occupation as essential. Almost all strikes are declared illegal.
Zones exempted from labourregulations	Export processing zones were exempted from labour law regulations under a 1994 law. However, the law did provide for the EPZ Authority to establish special labour regulations in the EPZs, in collaboration with the Ministry of Labour. After ZCTU protests, the government said that regulations would be put in place to protect workers. This was not done.
Other restrictions	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.
High level of contract workers	Up to two-thirds of the workforceare contract workers, many employed illegally. When employers learnt of thegovernment's plans to introduce a law in 1985 which banned them from firing workerswithout ministerial approval, they laid off their permanent staff and took on new workers on contracts.
New Harmonised Labour Bill	<p>By 1998 the new harmonised labourbill which was expected to apply to both private and public sector employees was still farfrom adoption - at the beginning of 1999, the government produced the fifth edition of the draft since 1993.</p> <p>The new bill would allow public servants, teachers and nurses to belong to unions,</p>

bargain collectively and have limited strike rights, although the bill proposed 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. Their umbrella body, the Public Service Association, is a ZCTU affiliate.

The bill narrows the definition of managerial employees. It maintained the provision that the Minister of Labour could refuse to register collective agreements on unspecified grounds. It also reproduced 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.

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