

**2001**

## Zimbabwe: Annual Survey of Violations of Trade Union Rights (2001)

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

Respect for trade union rights and civil liberties deteriorated further.

On April 15, Tihaona Chiminya, of the Zimbabwe Chemical, Plastic and Allied Workers' Union (ZCPAWU) was assassinated. After stopping his car, men in civilian clothing hit him violently over the head, poured petrol over his vehicle and set it on fire. His female passenger died in the hospital as a consequence of the attack.

However, the wave of violence which hit the country during the first few months of the year claimed other victims as well. Altogether, more than thirty persons—political opponents, trade unionist, teachers and human rights activists—were assassinated and hundreds of others were seriously wounded in what is rapidly turning out to be a broadly laid out terrorist campaign orchestrated by ZANU, the party in power under President Mugabe.

In the context of an unprecedented social and economic crisis with a more than 50 percent unemployment rate, galloping inflation, record debts and various shortages, all of this essentially due to the country's mismanagement, the Government has been confronted for several years with trade union protests.

In turn, the government has reacted by more repression against trade unionists and workers. Teachers and journalists were particular targets by pro-government demonstrators during a peaceful march on 1 April in front of the National Constitutional Assembly. The riot police, present at the scene, did not react. Agricultural workers employed on large farms were also targets of those "so called" war veterans who were behind the state-sponsored terrorism. Many of the victims were workers members of the General Agriculture and Plantation Workers Union of Zimbabwe (GAPWUZ).

On 30 April, in view of the atmosphere of terror, the ZCTU decided to cancel its traditional May Day celebrations throughout the country. A 24-hour strike was held on 2 August, called by the ZCTU; however, public service employees did not stop work because the Government threatened to fire them. In mid-October, the Government harshly suppressed the trade union protest against a 30% increase in the prices of bread and sugar without any compensatory increase in the minimum wage.

Serious restrictions on freedom of association embodied in the labour legislation

The 1985 law on labour relations as amended in 1992 favours the creation of „workers' committees“ in each enterprise. These committees are authorised to negotiate collective bargaining agreements and labour codes which may even take precedence over the sectoral agreements reached by the labour councils composed of trade union's and employer's representatives.

It is practically impossible to organise a legal strike. The right to strike is not recognised in the Constitution. Public service workers are forbidden to strike at any time, and any occupation at all may be classified by the Government as „essential“. If the service is not essential, a majority of the workers must give their consent to the strike, and then the Government must agree that it is impossible otherwise to find a solution to the conflict. The interdiction to strike is absolute as far as those workers in the public sector are concerned who have not managed to organise and engage in collective bargaining. These rights are also denied to management personnel.

Despite all this, efforts are still being made to extract concessions from the Government—albeit so far without success. Parliamentary discussions on a possible harmonisation of labour laws have not always been fruitful, nor have those on the contents of a social contract between the Government, employers and trade unions.

Government interference in trade union affairs

In February, the Ministry of Labour appointed an Investigator, charged with the task of

### 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 \(8/10/2003\)](#)

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[Protest letter to](#)

[President Robert](#)

[Mugabe \(12/6/2003\)](#)

[Zimbabwe : Letter to](#)

[President Mugabe on](#)

[Arrest of Trade Union](#)

[Leaders \(23/4/2003\)](#)

monitoring the finances of the ZCTU under pretext of possible irregularities.

Although the Constitution guarantees the independence of the management of union affairs, a provision in the Labour Relations Law grants the Government the right to oversee the management of union finances. In March, the ILO Committee on Freedom of Association considered the investigative powers of the Administration to be excessive.

#### Workers dismissed by the Standard Chartered Bank

In September, the Zimbabwe Supreme Court overturned the ruling of the Chamber of Appeals of the Labour court which had been in favour of the workers dismissed by the Standard Chartered Bank. It all began on April 23, 1997, when 580 bank employees went on strike in order to obtain better financial conditions. The bank reacted by obtaining an injunction ordering the workers to return to work. When most of them refused, the Bank fired 365 of them. Somewhat later it offered to let them return under conditions much less favourable than before (temporary contracts and lower wages). A lengthy battle ensued between the Bank and the Zimbabwe Bank and Allied Workers' Union (ZIBAWU), which, due to the unfavourable ruling of the Supreme Court, is at present turning to the advantage of the employer. Under the terms of this ruling, the entire internal disciplinary process must be gone through again from the start, a procedure which will delay once again the final settlement of this case. Meanwhile, ten of the strikers have died. Of the 211 workers who refused in 1997 to return to work for the Bank under the conditions it had laid down, 172 are still unemployed.

These employees have very little chance of finding work with another bank since their former employer has in effect placed them on a „black list“ by pointing to the fact that they would be unable to reimburse any loans contracted during their employment.

#### Violation of a collective agreement by the Post and Telecommunications Company

On 17 April, the Zimbabwe Post and Telecommunications Workers' Union called a strike for an unlimited period in protest against a decision of the Post and Telecommunications Company to carry out wage reductions of up to 50 percent. A few weeks earlier, this company had signed a collective agreement with the Union and this unilateral decision is considered to be a flagrant violation of the said agreement.

#### Deteriorating labour rights in the Export Processing Zones

The 1995 law establishing Export Processing Zones in Zimbabwe exempts employers in such zones from the obligation to abide by the labour laws. Although the ZCTU has succeeded in negotiating directly with several of these investors in order to permit the organisation of their employees, the working conditions and the conditions with regard to freedom of association in these zones are in general, highly unfavourable.

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