

**2002****Zimbabwe: Annual Survey of Violations of Trade Union Rights (2002)**

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

Long-promised new labour legislation had still not been adopted by the end of the year. ZCTU members continued to be the target of intimidation and harassment. Three striking steelworkers were shot dead by police.

#### The legislation

There is a two-tier system of labour laws in the country. Private sector workers are covered by the Labour Relations Act (LRA) which recognises the right to form and join trade unions, without prior authorisation. Public servants are covered by the Public Servants Act and a series of public service regulations and directives. Technically they cannot form their own trade unions, only associations, but these associations have been able to join the national trade union centre, the ZCTU.

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 are independent of trade unions and exist in parallel to them, weakening the influence of unions in the conduct of industrial relations at the workplace.

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 (EPZs) 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. Strikes are banned, workers are denied legal representation in disputes with employers, and workers can be fired at will. Workers' Committees have limited powers.

#### 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. It had still not been adopted by the end of the year.

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.

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

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.

#### Rights in practice

In practice unions face harassment and intimidation from government forces and it is extremely difficult for them to carry out any trade union activities.

#### Events in 2001

The economic crisis, brought about largely by mismanagement and corruption, continued, with record unemployment, mass poverty and inflation. Meanwhile, in addition to their well-publicised farm invasions, the self-styled war veterans also invaded factories, beating and humiliating managers and extorting money. Members of the ZCTU were primary targets for harassment during the year, as the national centre is seen as a strong supporter of the popular pro-democracy movement struggling for meaningful change in Zimbabwe, and therefore as a threat to Mugabe's hold on power.

#### Strikers intimidated

In January striking civil servants complained of government intimidation. The Public Service Association reported that staff were being told they would be sacked if they joined the strike over a pay dispute. Three striking teachers in the Masvingo province were beaten up by war veterans, "arrested" and taken to the police station. The police released them.

#### May Day rally disrupted

A May Day rally staged by the Zimbabwe Congress of Trade Unions was taken over by President Mugabe's war veterans. After ZCTU leaders addressed the crowd several hundred veterans took to the stage and vowed to renew their attacks on leading businesses. The leader of the factory invasions, Joseph Chinotimba (who in April had proclaimed himself "ZCTU President"), arrived in a government vehicle driven by a police officer and was protected from the crowd by riot police. ZCTU members left.

#### Proposed strike ban

Later in May the government announced a bill banning trade unions from striking. ZCTU president Lovemore Matombo threatened to call a national strike if the legislation were to be adopted.

#### Intimidation

When the ZCTU organised a peaceful 'stayaway' protest on July 3 and 4 in protest at 70% fuel price rises, the government declared it illegal and ZCTU members were harassed and intimidated. The action was called after the government had ignored mounting pressure from the ZCTU to review the price rises.

A week later ZCTU General Secretary Wellington Chibebe was taken to a police station and questioned for about two hours, in connection with the stayaways.

#### Standard Chartered Bank

In August the government reported that further to negotiations, a settlement agreement

had been reached between the Standard Chartered Bank and its workers' representatives. The bank had sacked 365 of its staff, represented by the Zimbabwe Banks and Allied Workers Union (ZIBAWU), for striking in 1997. At the beginning of the year 170 of the workers were still unemployed, 30 were in casual employment, and the government and the Bank were under heavy pressure to settle the four-year old dispute. The international trade union movement had mounted a campaign that included a demonstration in February outside the bank's London head office. In the final agreement the remaining dismissed workers were given their severance pay, but were not taken back into employment.

#### Strikers shot dead by police

Three workers died and at least six were injured during a sit in at the Zimbabwe Iron and Steel Company (ZISCO) in August. The dispute began in July when collective bargaining negotiations between management and the Iron and Steel Workers' Union over pay and benefits ended in deadlock. The union gave the 14-days notice as required by law. Then on August 8, the second day of the sit-in riot police arrived and chased thousands of striking workers from the premises with tear gas and the army began shooting at them. Samuel Masivatsa and Never Daniels were shot dead on the spot, and the third, J.Zimba, died later. It was thought that the heavy-handed approach was due to the fact that the government has an 89% share in the company.

#### Strikers suspended

The engineering company Craster International (Pvt) Ltd suspended 450 workers, and later sought to have them dismissed, for taking part in a strike in August. The strike had been called by the National Engineering Workers' Union (NEWU) over a pay dispute. Agreement was reached after the strike, and so the workers' returned to work on August 22. On August 23 however they found the company gates locked and manned by security guards with batons, vicious dogs and firearms.

On October, about 200 cleaners at the Harare Central Hospital were suspended pending dismissal. They had been on strike since September 24 in protest at being paid less than half they monthly salary they were contracted to have. The workers, members of the Commercial Workers' Union of Zimbabwe, had served the statutory two weeks' strike notice, but their letters of dismissal said that the strike was illegal. During their action they had been beaten up by riot police and chased from the hospital grounds. The cleaning company that employed them, Willsend Pvt Limited, hired 120 new workers to replace them.

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