

2003**Zimbabwe: Annual Survey of Violations of Trade Union Rights (2003)**

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

The year was marked by the highest degree of violence and intimidation that Zimbabwe had ever experienced against trade unionists and pro-democracy advocates. This was particularly marked during the pre-electoral period leading to Robert Mugabe's controversial re-election in March. New legislation was adopted to suppress any kind of opposition, and the trade union movement was the first victim. Trade union meetings were monitored or banned, unionists were constantly under pressure and union leaders were repeatedly arrested and intimidated. Several trade unionists were beaten up.

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 some of 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 harmonized 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-

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[Zimbabwe : Letter to](#)

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. 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 contrary to all expectations, this has not been 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.

New suppressive legislation

In January 2002, the government enacted new, suppressive legislation, the Public Order and Security Act (POSA). This was used throughout the year to obstruct trade union activities and harass trade unionists. Under the Act, people found guilty of disturbing the peace, security or the public order, or of invading the rights of other people, are liable to a maximum Z\$100,000 fine and/or imprisonment for up to 10 years. In addition, organisers of public gatherings must apply for permission at least four days in advance.

RIGHTS IN PRACTICE

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

EVENTS IN 2002

Violence against trade unionists and their properties

On January 11, the home of Isaac Mzimba, the ZCTU district chairperson for Kwekwe was looted and burnt. He subsequently went into hiding. Other trade unionists' homes were looted, and they were beaten because of their trade union activities.

Trade union leader detained and threatened with death

In early February, Basildon Peta, General Secretary of the Zimbabwean Union of Journalists, was detained overnight in Harare central prison under the new Public Order and Security Act (POSA). He fled the country on February 14 after receiving death threats.

Another case of physical abuse

On February 13, a trade unionist went into hiding in Mutare after being beaten and left for dead because of his association with the ZCTU. A group of people had come knocking at his door at around 1.45 am and asked him to hand over anything that he had on the ZCTU. They stole some of his belongings, beat his wife up, and dragged him away from the house. After beating him severely with chains, pipes and whips they left him for dead. Although he managed to identify the leader of the group, the police did nothing to arrest him.

Trade union leader abducted and tortured

On February 16, Ephraim Tapa, president of the ZCTU-affiliated Zimbabwe Civil Service Employees Association, and his pregnant wife Faith Mukukwa, were abducted by a group of ZANU-PF supporters in the Mutoko region (North-East), on their return from a union meeting in Harare earlier that day. They were detained for almost a month and beaten regularly, but were saved by the police just as their torturers were about to kill them.

Trade union meeting monitored by police; meetings disbanded

On March 14, as ZCTU members gathered at an Executive Council meeting at the union's headquarters in Harare, plain-clothes policemen forced their way in to monitor the discussions. When they were asked to leave the premises, they threatened to use force to disband the meeting unless they were allowed to stay. They then disrupted the meeting, saying that it violated the Public Order and Security Act (POSA) as the officials had not given

the four-day notice required under the Act. The police also accused the unionists of hiding behind the labour movement when they were in fact engaging in political activities.

The ICFTU complained to the ILO Committee on Freedom of Association (CFA) on March 15. In November the CFA ruled that the police action had constituted a "serious and unjustifiable interference in trade union activities," and that the public authorities could not enter trade union premises without prior authorisation or without a legal warrant. The CFA requested the government "to ensure that the principles of non-interference by the authorities in the meetings and internal affairs of trade unions [were] respected and to implement the order of the High Court of Zimbabwe." In addition, on April 11, the Zimbabwean High Court had ruled that the POSA did not apply to the ZCTU meeting, and that the police did not have a right to monitor the meeting. The Court prohibited the police from attending the ZCTU General Council meeting on April 12 and other similar meetings.

Trade union leader detained and intimidated

On March 19, Wellington Chibebe, ZCTU General Secretary was detained by the police in Harare and released after being interrogated for hours. He was arrested again on March 25, and intimidated and interrogated for hours and then released. The timing of this second arrest in less than a week came after the ZCTU had refused to allow the police to attend its General Council. The police had warned that they would come at any rate.

Hundreds of protesters arrested

In early April, police broke up anti-government demonstrations in Harare and in other towns across the country. Hundreds of demonstrators took to the streets in protest against the rigged re-election of President Mugabe. At least 354 opposition activists, including trade unionists, were arrested and detained for 24 hours.

Workers forced to join pro-government "union"

On April 28, the Zimbabwe Standard reported that Joseph Brown Chinotimba, vice-president of the Zimbabwe Federation of Trade Unions (ZFTU), had carried out raids on firms suspected of having links with the opposition Movement for Democratic Change. According to the Standard, officials from the ZFTU, (which is under the control of the ZANU-PF), had stormed several companies to force workers to join the ZFTU before the May Day celebrations. They threatened to beat anyone refusing to sign up. Chinotimba reportedly confirmed that his union was forcing workers to join the ZFTU if they failed to "understand that the ZFTU is now the only trade union capable of representing them." Chinotimba was also quoted by the newspaper as saying: "We were given the mandate to do so by government. I want to tell you, we are the current government. We have to talk to the workers but if they stand in our way we will be forced to make them dance to our tune. If they want to remain with the ZCTU then they should go to other countries and not stay in Zimbabwe. They should wake up and realise that we are the only recognised trade union in this country."

More union busting tactics

In flagrant disregard of the April High Court ruling, government-led anti-union harassment continued throughout May. The crackdown on ZCTU activities included threats from the Home Affairs Minister John Nkomo to outlaw the union if it carried out a general strike, threats from the Minister of Public Service Labour and Child Welfare to decertify the ZCTU and to work directly with its affiliates, measures to prop up the ZFTU, and further police harassment of legal trade union meetings.

Trade union leader arrested and beaten by police

On October 8, hundreds of teachers went on strike to demand a 100% wage increase backdated to January. The next day, Raymond Majongwe, the General Secretary of the Progressive Teachers' Union of Zimbabwe (PTUZ), who had called the strike, was arrested by the police, and charged with violating the POSA. He was accused of threatening teachers in Harare who were refusing to join the strike. Raymond Majongwe was beaten up by the police while being held in custody for 48 hours. On October 11, he appeared in court with a torn shirt and injuries to one eye and an arm. The court released him on a Z\$15,000 bail and fixed his trial for October 25. But he was again arrested on October 15 while addressing teachers from a Harare school.

Two more leaders arrested – striking teachers sacked

Two other PTUZ leaders, Innocent Moyo and Enock Paradzayi, were arrested on October 15 in Bulawayo (South-West) on the same charges. The same day, 627 teachers were sacked for taking part in the strike that started on October 8, which had been declared illegal by the government. In addition, the teachers were barred from leaving the country without the ministry's authorisation, to prevent them from seeking jobs abroad. The government later announced it had reinstated half of the teachers, pointing out that less than 300 had been charged for supporting the strike. Raymond Majongwe, who dismissed the government's comments as public relations, claimed that over 400 teachers had been sacked. Most of them were then reinstated, as the relief teachers hired to replace them did not know how the examination procedures operated.

More trade union leaders arrested

On December 9, at least nine trade union leaders, including ZCTU General Secretary Wellington Chibhebhe, were arrested at a ZCTU symposium. Wellington Chibhebhe was beaten with a broom during his detention in a police cell in Harare. Police also threatened that he would be "removed or eliminated" if he did not resign as ZCTU General Secretary. In a court hearing on December 11, the judge rejected the prosecutor's plea to charge the detainees under the POSA. After the ruling, the police finally released the detainees, but threatened to arrest them again under the provisions of the POSA.

Trade unionists turned back at airport

On December 19, Kelly Zidana, Director of Human and Trade Union Rights at the ICFTU's African Regional Organisation (ICFTU-AFRO) and Alfred Mudenda, Deputy General Secretary of the Zambia Congress of Trade Unions (ZambianCTU) were refused entry into Zimbabwe. They had come to Zimbabwe to visit ZCTU members.

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