

Collective Bargaining in Zimbabwe

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LD3 – Wits University

2 October 2012 - GLU Summer School - Brazil



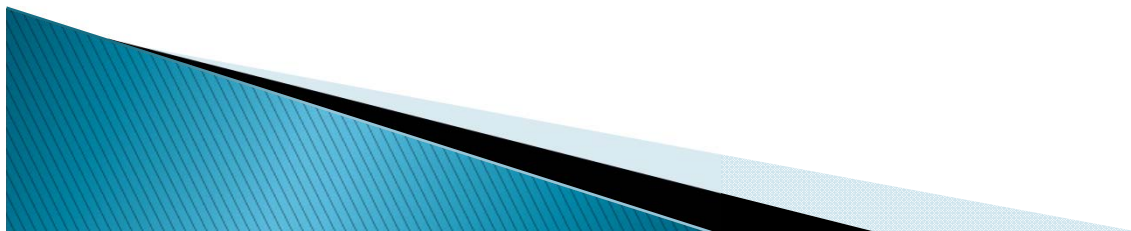
Bargaining Situation

- ▶ Issues of collective bargaining are as laid down in the ILO Convention 154
- ▶ Zimbabwe has a dual labour system:
 1. Workers in the Private Sector and State owned enterprises are covered under the Labour Relations Act [Chapter 28:01]
 2. Civil servants are governed under the Country's Constitution [Section 73; 74 And 75] that give precedence to the creation of Public Service Commission and Health Services Board for Health Profession. Governing Act being Public Services Act



Collective bargaining in Zimbabwe

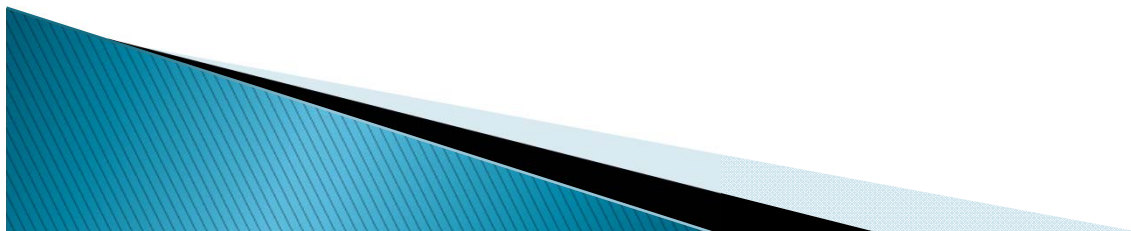
- ▶ Collective bargaining in Zimbabwe takes place at two levels i.e. at company level and at sector level
- ▶ Company level CB is done between management and the workers committee and has to be ratified by the union where it exists
- ▶ Sector level CB has the force of law subject to registration of the CBA



Implications of the legal frame works on collective bargaining

Labour Act:

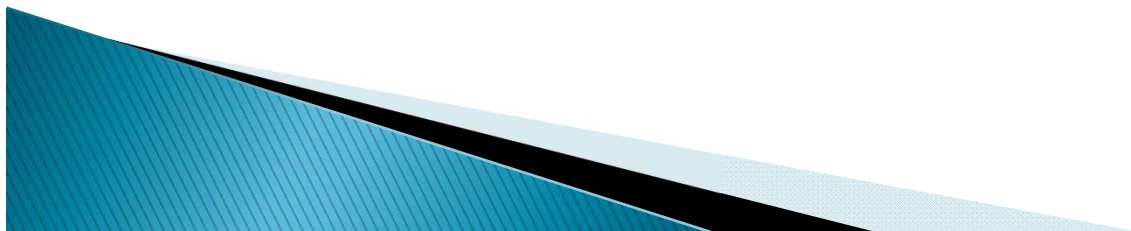
- ▶ Allows for the formation of trade unions as provided for in the national constitution under section 21 [freedom of assembly and association]
- ▶ It provides structures and procedures for collective bargaining between employer or employer's organizations and worker's committee or trade unions.



Continued.....

Public Service Commission and Health Services Board

- ▶ Trade unions are not recognised, but staff associations.
- ▶ Associations' duty is to recommend and consult
- ▶ There are no provisions for collective bargaining
- ▶ Decisions about the conditions of work is the sole responsibility of employer as provided for in the constitution and Public Services Act



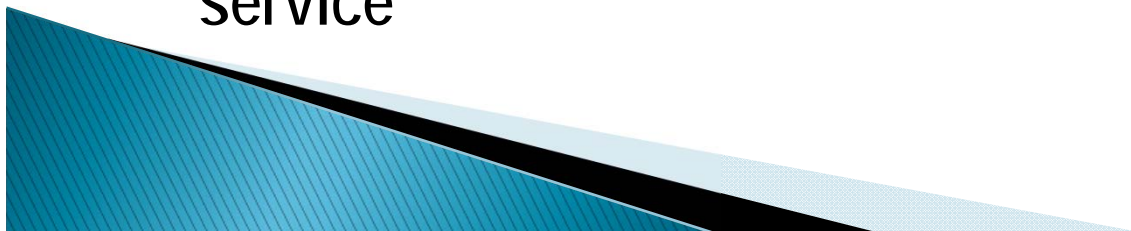
Bargainable issues and non bargainable issues

- ▶ The law states that parties are allowed to bargain on any conditions of employment which are of *mutual* interest to them
- ▶ Examples of bargainable issues include rate of remuneration, minimum wages, conditions of employment, hours of work, occupational safety requirements, dispute settlement procedures among others.
- ▶ Obviously matters not related to conditions of employment are not discussed




Implications.....

- ▶ For state workers, the laws that govern them infringe on their rights as spelt out by conventions 87 and 98.
- ▶ Workers are denied an opportunity to determine their direction and their future and to improve their standard of living
- ▶ While those covered under the labour Act have right to bargain with their employer, the same law give the Minister of Labour powers to designate any industry or sector an essential service provider.
- ▶ The right to strike is limited as the law bars almost all sectors from striking as they are classified as essential service



Employer Obligation to CB

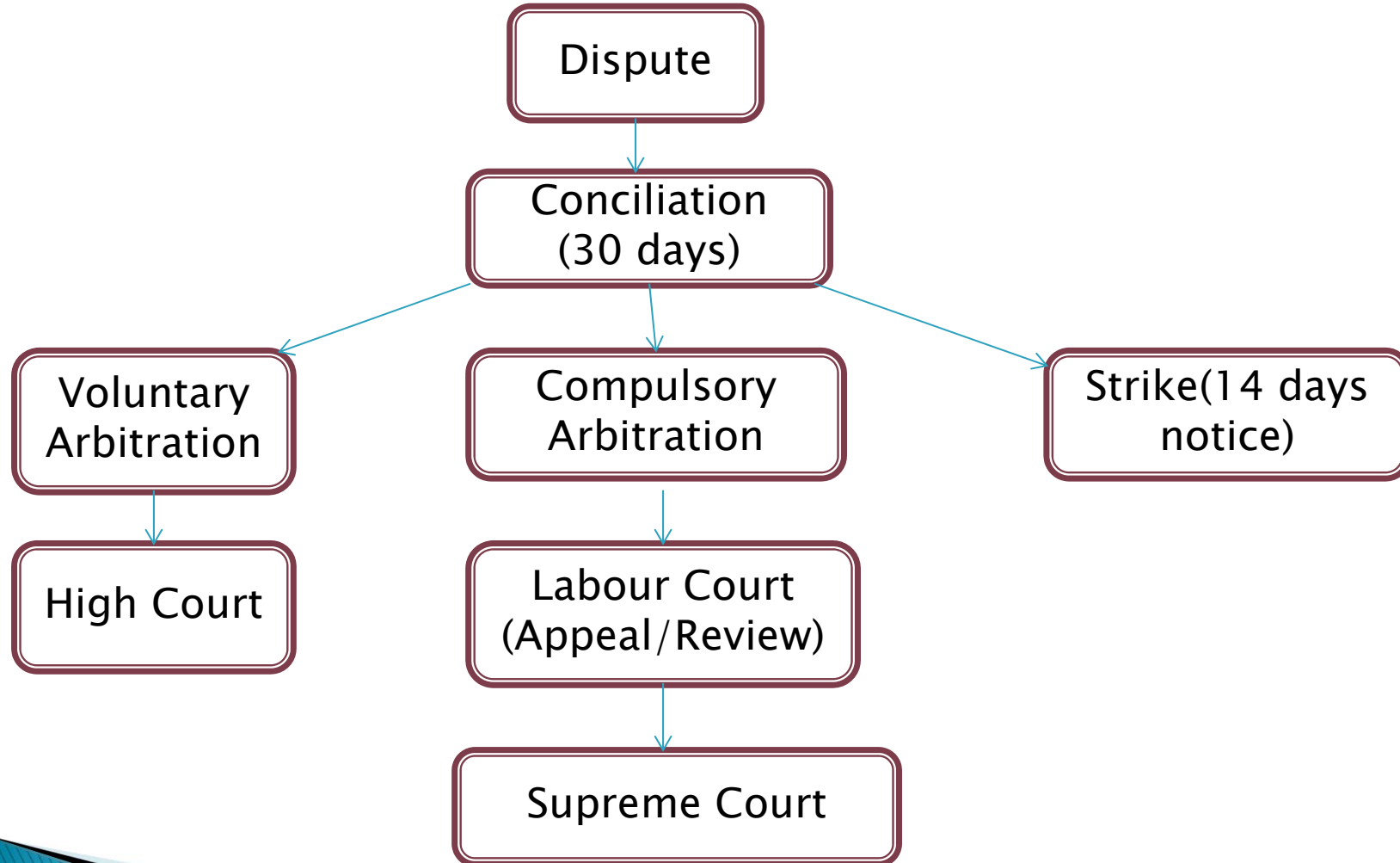
- ▶ For non-state workers, Section 75 of the Labour Act provides for an obligation to negotiate in good faith
 - ▶ Also section 76 urges the employer to disclose his financial position hence inability to pay should be financially supported
 - ▶ Failure to negotiate in good faith is an unfair labour practice
 - ▶ For state workers, there is no framework for collective bargaining.
 - ▶ Agreements reached during consultations are not binding; the employer has no obligation to honour them
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What steps can workers take if the employer refuses to bargain?

- ▶ State workers have no remedy if the employer refuses to bargain because they are excluded from CB laws.
- ▶ Non-state workers have three options: strike, voluntary arbitration and compulsory arbitration
- ▶ However, striking is difficult since there is a long procedure to be followed before workers can embark on industrial action.
- ▶ Moreover the state at times use the Public Order and Security Act a replica of colonial LOMA to disrupt peaceful and legitimate demands from the workers.
- ▶ The law has also classified most sectors as essential services which means workers in these sectors are henceforth barred from embarking on industrial action



Summary of dispute resolution procedure under Zimbabwean Labour Law



What my union (CASWUZ) is doing: case of the communication sector dispute

What is the situation?

- ▶ The employers (TelOne and NetOne) have opted out of the collective bargaining chamber (National Employment Council) citing union intransigency since 2010 thus no agreed CB since 2010
- ▶ Court action has stalled negotiations in Zimbabwe Posts since 2010
- ▶ Private cellular company Econet is also fighting in the courts refusing to join the NEC

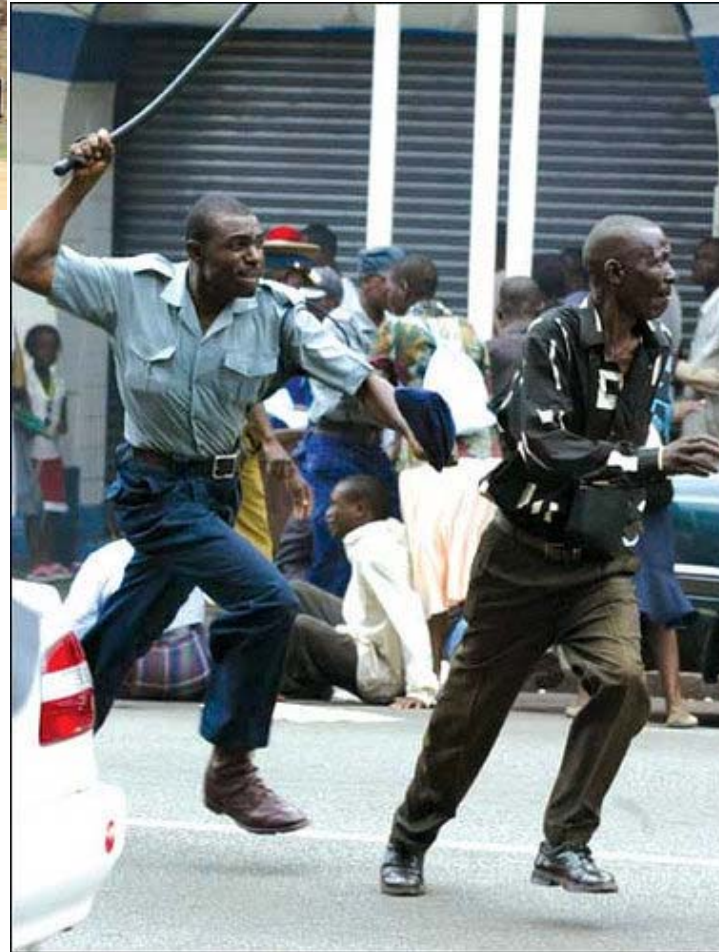


What has CASWUZ done?

- ▶ For TelOne – the union has opted to go the voluntary arbitration route since there hasn't been agreed CB since 2010
- ▶ For ZimPosts, the union has opted to go the compulsory arbitration route and there hasn't been CB at all since 2010
- ▶ The obvious implications are that;
- ▶ workers are suffering, they opt out of the union, collective solidarity is waning, union organising power is eroded, union financial base is eroded & the union is weakened



Challenges to CB In Zimbabwe



Challenges to CB In Zimbabwe (continued)

Collective bargaining has collapsed mainly due to the crisis period Of 1997 – 2008, a period characterised by:

- ▶ State repression and restrictive laws like POSA
- ▶ State interference in court of law procedures, since some disputes were labelled political.
- ▶ Delays in delivering judgement by courts of law
- ▶ Reliance on the courts rather than CB means the system has collapsed
- ▶ A weak and fragmented trade union movement has also led to collapse of CB as they fail to confront the employers
- ▶ Hyperinflation (pre 2008) and the impact of the financial crisis that affected most quarters of the world economies
- ▶ CB is also hard in a de industrialising economy where rate of unemployment is more than 90%
- ▶ CB in Zimbabwe seem to be mainly centred more on wage negotiation currently.



THE END

Obrigado /

Thank you all

