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## FOR INFORMATION

SIXTH ITEM ON THE AGENDA

### **Report of the Director-General**

**Second Supplementary Report:  
Report of the Commission of Inquiry  
established to examine the complaints  
concerning the observance by the  
Government of Zimbabwe of the Freedom of  
Association and Protection of the Right to  
Organise Convention, 1948 (No. 87), and the  
Right to Organise and Collective Bargaining  
Convention, 1949 (No. 98), made by  
delegates to the 97th Session (2008) of the  
International Labour Conference under  
article 26 of the Constitution of the ILO**

### **Reply by the Government of Zimbabwe to the report of the Commission of Inquiry**

1. At its 307th Session in March 2010, the Governing Body noted the report of the Commission of Inquiry and that it had been communicated to the Government of Zimbabwe on 21 January 2010.
2. The Government's reply, dated 20 April 2010, is appended.
3. The Governing Body will no doubt wish to take note of the reply by the Government of Zimbabwe.

Geneva, 16 June 2010.

*Submitted for information.*

Telephone: 790871/7  
 Telegrams: "SECLAB"  
 Private Bag 7707/7750, Causeway



ZIMBABWE

Reference:  
 MINISTRY OF LABOUR  
 AND SOCIAL SERVICES  
 Compensation House  
 Car Fourth Street and Central Avenue  
HARARE

20 April 2010

Mr. Juan Somavia  
 The Director General  
 International Labour Office  
 Geneva  
SWITZERLAND

Dear Mr. Somavia,

**RESPONSE BY THE GOVERNMENT OF ZIMBABWE TO THE REPORT OF THE  
 INTERNATIONAL LABOUR ORGANISATION (ILO) COMMISSION OF INQUIRY  
 ON THE APPLICATION OF ILO CONVENTIONS NOS. 87 AND 98**

I refer to the above subject and the commitment expressed by the Government of Zimbabwe during the 307<sup>th</sup> Session of the ILO Governing Body to communicate its response to the report of the ILO Commission of Inquiry.

In accordance with Article 29 of the ILO Constitution, it is my pleasure to inform you of Government's response to the report of the Commission and its recommendations. The Government's response is attached herewith. I trust you will find this communication in order and have the pleasure to take this opportunity to express to you, on behalf of Government, the assurances of my highest regard.

Best regards,

**HONOURABLE P. MPARIWA (MP)**  
**MINISTER OF LABOUR AND SOCIAL SERVICES**

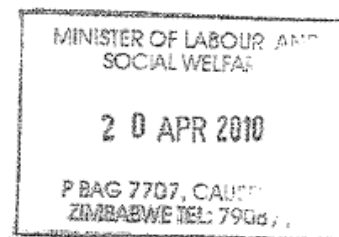
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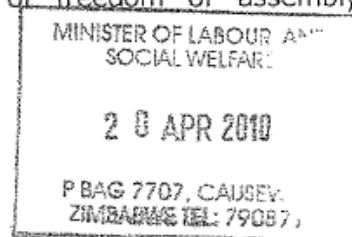
P BAG 7707, CAUSEWAY  
 ZIMBABWE TEL: 790871

**RESPONSE BY THE GOVERNMENT OF ZIMBABWE TO THE REPORT OF THE INTERNATIONAL LABOUR ORGANISATION (ILO) COMMISSION OF INQUIRY ON THE OBSERVANCE OF THE FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948 (NO. 87), AND THE RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949 (NO. 98)**

1. The Government of Zimbabwe takes this opportunity to acknowledge receipt of the Report of the Commission of Inquiry, set up in accordance with article 26, paragraph 4, of the ILO Constitution, to examine the complaints concerning the observance by the Government of Zimbabwe of Conventions Nos 87 and 98. The Report of the Commission was subsequently received by Government in January 2010 through the ILO Sub-Regional Office. The Government of Zimbabwe is accordingly desirous to fulfil its obligations in line with Article 29 of the ILO Constitution by articulating its views on the Commission's work and the recommendations thereof.
2. It will be recalled that the Commission was received by the Government of Zimbabwe in August 2009 following which it managed to carry out its task from 12 to 25 August 2009. On its part, the Government facilitated the work of the Commission and welcomes the compliment of the Commission with regards to its cooperation. The Commission met with very high level office bearers in Government and was able to meet with representatives of the workers' and employers' organisations as well as the witnesses and interlocutors as mentioned in the Report.
3. In making its response, the Government has focussed its attention on the material substance of the Report and has been mindful of the overarching goal of achieving progress in respect of the application of the Conventions in question.
4. The Government wishes to emphasize the establishment of the Inclusive Government in February 2009, following the signing of the Global Political Agreement (GPA) on 15 September 2008. Indeed, in terms of Article II of the GPA the three main political parties forming the Inclusive Government have agreed to work together to create a genuine, viable, permanent, sustainable and nationally acceptable solution to the Zimbabwean situation. The GPA, in article XII further reaffirms the principle of freedom of assembly and association as observed by the Commission. It is accordingly in this context, of reformation and engagement, that the Government received the Commission, mindful of its potential to assist the Government in executing its identified priorities.



5. In respect of the procedure followed by the Commission, Government wishes to also note the Director General's expressed hope for the Commission to help the Inclusive Government in its rebuilding of the country and in ensuring restored respect for the fundamental ILO principles that underpin a sound democracy. In this connection, and noting the solemn declaration by members of the Commission, the Government reiterates its view that the establishment of the Commission was essentially to help Government in its work as far as the application of the Conventions in question is concerned.
6. With respect to the Commission's conclusions and recommendations, Government wishes to once again bring into perspective that during the Commission's work in Zimbabwe all the Government representatives emphasized the forward looking thrust of the Inclusive Government. It is also important to mention that the Inclusive Government is presently guided by the Government Work Programme under which the Ministry of Labour and Social Services has been tasked to implement various institutional and legislative reforms to strengthen labour market governance. These reforms include the review and harmonisation of the country's labour laws as well as the strengthening of social dialogue. The Government Work Programme is itself a closely knit action plan for all arms of Government to work together to implement mutually reinforcing programmes to further the work of the Inclusive Government.
7. The Government observes that the Commission's recommendations are already part of the reform work by the Government, and it is in this context that Government will implement the recommendations. It should be noted that the Inclusive Government has established the Organ for National Healing, Reconciliation and Integration charged with the responsibility to foster unity of purpose among the people of Zimbabwe as earlier on stated. It should also be noted that the Organ has, as members, eminent persons that include the Vice President of the Republic of Zimbabwe, Hon. John L. Nkomo who was once a Chairperson of the ILO Governing Body. It also includes Mr. Gibson Sibanda, who is a former President of the Zimbabwe Congress of Trade Unions and also former member of the ILO Governing Body as well as Mrs. Sekai Holland, a human rights activist and liberation war veteran.
8. With respect to the Human Rights Commission, it should be noted that the enabling Bill is at an advanced stage towards being passed into law and that the members of the Commission have already been appointed. Furthermore, it should be noted that the Public Order and Security Act is also being amended in consideration of the Inclusive Government's affirmed commitment to the principle of freedom of assembly and



association. It is in this spirit of engagement among the people of Zimbabwe that the Commission's recommendations are accepted by the Government. Government wishes to advise that the implementation of the recommendations, while already on going, will be informed by overall Government targets and time lines.

9. In conclusion, Government also wishes to inform the Director General of the recent High Level Launch of the Publicity Campaign of the Kadoma Declaration by His Excellency, the President of the Republic of Zimbabwe Cde. R. G. Mugabe on 26 February 2010. The President of the Republic mentioned the need for unity and declared the support of his office and that of Government as a whole to the work of Government and the social partners. The Presidents of the Zimbabwe Congress of Trade Unions and the Employers' Confederation of Zimbabwe, including the United Nations Resident Representative and the ILO Sub-Regional Office Officer in Charge also graced the occasion and declared their support.
10. It is in the context mentioned above that the people of Zimbabwe have chosen to progress. In this work, Government will welcome supportive guidance and will continue to implement significant reforms with the support of the ILO structures.

**HONOURABLE P. MPARIWA (MP)**  
**MINISTER OF LABOUR AND SOCIAL SERVICES**

