

<sup>3rd</sup> **DRAFT DISCUSSION PAPER ON:**  
**The Future of Work for Women in Zimbabwe**

Prepared for:

**INTERNATIONAL LABOUR ORGANISATION**

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## ACRONYMS

|                  |                                                                                  |
|------------------|----------------------------------------------------------------------------------|
| <b>ACHPRs</b>    | African Charter on Human and Peoples' Rights                                     |
| <b>AIDS</b>      | Acquired Immuno Deficiency Syndrome                                              |
| <b>CEACR</b>     | Committee of Experts on the Application of Conventions and Recommendations (ILO) |
| <b>CEDAW</b>     | Convention on the Elimination of Discrimination against Women                    |
| <b>EMCOZ</b>     | Employers' Confederation of Zimbabwe                                             |
| <b>ESAP</b>      | Economic Structural Adjustment Programme                                         |
| <b>GDP</b>       | Gross Development Product                                                        |
| <b>ILO</b>       | International Labour Organisation                                                |
| <b>JPGE</b>      | Joint Programme on Gender Equality                                               |
| <b>KILM</b>      | Key Indicators of the Labour Market                                              |
| <b>LFCLS</b>     | Labour Force and Child Labour Survey                                             |
| <b>LFPR</b>      | Labour Force Participation Rate                                                  |
| <b>LFS</b>       | Labour Force Survey                                                              |
| <b>NGO</b>       | Non-Governmental Organisation                                                    |
| <b>NSSA</b>      | National Social Security Authority                                               |
| <b>SADC</b>      | Southern African Development Community                                           |
| <b>SDA</b>       | Sustainable Development Agenda                                                   |
| <b>SDGs</b>      | Sustainable Development Goals                                                    |
| <b>STERP</b>     | Short-Term Emergency                                                             |
| <b>TNF</b>       | Tripartite Negotiation Forum                                                     |
| <b>TVET</b>      | Technical, Vocational Education & Training                                       |
| <b>UDHR</b>      | Universal Declaration of Human Rights                                            |
| <b>UN</b>        | United Nations                                                                   |
| <b>USD</b>       | United States Dollars                                                            |
| <b>ZANU (PF)</b> | Zimbabwe African National Unity (Patriotic Front)                                |
| <b>ZCTU</b>      | Zimbabwe Congress of Trade Unions                                                |
| <b>ZGC</b>       | Zimbabwe Gender Commission                                                       |
| <b>ZHRC</b>      | Zimbabwe Human Rights Commission                                                 |
| <b>ZIDAWU</b>    | Zimbabwe Domestic and Allied Workers' Union                                      |

## DEFINITIONS<sup>1</sup>

**Sex:** Refers to the biological differences between men and women that are universal and usually determined at birth. For example, only women can give birth; only men can get prostate cancer.

**Gender:** Refers to the social differences and relations between men and women, girls and boys that are learned and vary widely within and between cultures and change over time. Gender refers to the different roles and responsibilities that are assigned to men and women in a given culture or location or time. Other variables such as ethnicity, caste, class, age and ability intersect with gender differences

**Gender equality:** Refers to equal rights, responsibilities and opportunities of men and women of all ages.

**Gender Equity:** Means fairness of treatment for women and men, according to their respective needs. This may include equal treatment or treatment that is different but which is considered equivalent in terms of rights, benefits, obligations and opportunities. Equity is a means; equality is the goal.

**Gender mainstreaming:** Is a globally accepted strategy for promoting gender equality. Mainstreaming is not an end in itself but a strategy, an approach, a means to achieve the goal of gender equality. Mainstreaming involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities - policy development, research, advocacy/ dialogue, legislation, resource allocation, and planning, implementation and monitoring of programmes and projects.

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<sup>1</sup> ILO Gender terms.



## **1. BACKGROUND**

### **1.1 Introduction**

In 2019, the International Labour Organization (ILO), the oldest UN specialized agency, celebrates its 100th anniversary. In the run up to the anniversary seven Centenary Initiatives are being implemented, which form part of a package of activities aimed at equipping the Organization to take up successfully the challenges of its social justice mandate in the future. The future of work initiative is meant to initiate and cultivate a global dialogue on the future of work, to build the ILO's ability to prepare and guide governments, workers and employers to better meet the world of work challenges of the next century. The end to poverty initiative is there to promote a multidimensional response through the world of work, labour markets, and social and employment protection to eradicate global poverty. The green initiative speaks to scaling up the ILO's office-wide knowledge, policy advice and tools for managing a just transition to a low carbon, sustainable future.

On its part, the Standards initiative seeks to enhance the relevance of international labour standards through a standards review mechanism and consolidating tripartite consensus on an authoritative supervisory system. The enterprises initiative is a drive towards establishing a platform for ILO engagement with enterprises which would contribute to their sustainability and to ILO goals. The governance initiative seeks to reform the ILO's governance structures, assessing the impact of the 2008 Declaration as set out in its final provisions, and act on its finding.

Lastly, the women at work initiative looks at reviewing the place and conditions of women in the world of work and engaging workers, employers and governments in concrete action to realize equality of opportunity and treatment. A broad framework is needed to give the future of work centenary initiative the necessary structure and focus for concrete results to be obtained.

### **1.2 Future of work for women: Gender equality**

In 2016 all ILO members States were invited to undertake national "future of work" dialogues structured around four "centenary conversations", namely, work and society; decent jobs for all; the organization of work and production; and the governance of work. In the context of the Joint Programme on Gender Equality (JPGE), the ILO Namibia and Zimbabwe Country Office intend to open up conversations on the future of work for women in Zimbabwe mainstreaming gender equality by adopting a Discussion Note to guide these conversations in the run up to the establishment of a High Level Global Commission on the Future of Work the preparation in 2017. The purpose of the Commission will be to examine the output from the national dialogues and other input and to prepare and publish a report and recommendations in the course of 2018.

The ILO began its call for gender equality in the workplace at its inception in 1919. The organisation has recognised that gender equality is at the heart of achieving decent work and that efforts must be made to improve the working conditions of women workers. This recognition has resulted in the passing of conventions and recommendations (also known as international labour standards) aimed at transforming the conditions under which women work across both the formal and informal sector. To that end it has passed numerous conventions in order to secure the equal rights of men and women in employment. These include the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), and the Maternity Protection Convention, 2000 (No. 183).

Of special note is the Domestic Workers Convention, 2011 (No. 189) which recognises how women make up a large percentage of domestic workers and their need for legal protection. These conventions in conjunction with many others, seek to entrench gender equality as being at the heart of decent work. Zimbabwe is at the moment signatory to only conventions 100 and 111, which makes it necessary to increase impetus towards ratification of the other gender equality conventions for equality issues at the workplace to be fully institutionalized.

### **1.3 Methodological Approach and Research Methods**

Multiple methodologies and research methods were adopted. These included a grounded approach, legal pluralism, gender analysis and human rights approaches were used as methodological frameworks. As a result, the research findings are not only based on observations, but also on the lived realities of women in the world of work. The literature review included ILO conventions, statutory law, previous research and the print media. The research methods used included questionnaires, observations and personal interviews with key informants within and beyond the labour tripartite arrangements such as employees and employers, government officials from the Ministry of Public Service, Labour and Social Welfare, trade unions, employers' associations and other organisations.

Key informants were purposefully selected, taking into consideration the short period of the research. The historical analysis on women at work in Zimbabwe was conducted for distinct periods of time in Zimbabwe's history. The key issues that have affected women in the workplace were assessed. Important aspects that were also considered include equal pay, maternity protection, discrimination in the workplace and in hiring processes, women in the rural economy, and gender based violence or sexual harassment in the workplace. Zimbabwe's performance in these areas in the pre and post-independence eras was assessed.

Data analysis was carried out using the ILO women at work 2015 publication as the conceptual framework. The key issues impacting on gender equality in the workplace are women's representation in decision making and leadership positions, gender wage gap, discrimination, unpaid

care work, unemployment, women in the informal sector and issues relating to insurance and work family policies that have an implication on maternity leave and job security.

An overview looking at the socio, economic context to determine how international labour standards, laws and practice have evolved in Zimbabwe was conducted. The desk review also analysed the impact of gender in the workplace. The pre and post-independence periods were considered. The post-independence period was divided into the following periods, 1980 to 1997, 1997 to 2010 and 2010 to 2016. The assessment of the different periods of time revealed pertinent information with regard to how the circumstances of women have changed in the workplace. The post-independence era is dynamic hence the various categorizations that were used. The period 1997 till 2010 for instance saw the country plunge into an economic crisis of huge proportions and this had a huge impact on women in terms of work, inflation was high, retrenchments were experienced, the informal sector grew, quality of work and levels of pay were all negatively affected.

The formation of the government of national unity and the introduction of the United States dollar also impacted on the economy and the world of work. The period 2010 to 2016 was relevant to the discussion document in as far as it demonstrates the impact of the elections and the introduction of new constitution in Zimbabwe. This period was also relevant with regard to the law and policy reform efforts in the country as well as the alignment process and how it has or will impact on labour laws and consequently gender equality and women's empowerment.

An assessment of the legal, regulatory and policy frameworks and enforcement of laws impacting on labour issues was carried out with the aim of coming up with recommendations for alignment of laws to the new constitution and recommendations for more effective implementation. Finally, recommendation on the future of women at work were solicited and included in the analysis of measures or strategies that will need to be employed to improve gender equality in the workplace in the future.

### **1.3.1 Primary Data**

The primary data was collected from stakeholders identified as key informants, including the UN Women, ILO, Ministry of Women Affairs, Gender and Community Development, technical experts from civil society organisations, women in the informal sector, national employment councils, employers' and workers' organisations. The key informant interviews were on gender equality and other issues affecting women in the workplace.

### **1.3.2 Focus Group Discussions**

Focus group discussions were used to conduct in-depth understanding of problems as well as to identify future programs that respond to needs. The preference for focus groups was because

the method allows for the collection of considerable information in a relatively short amount of time.

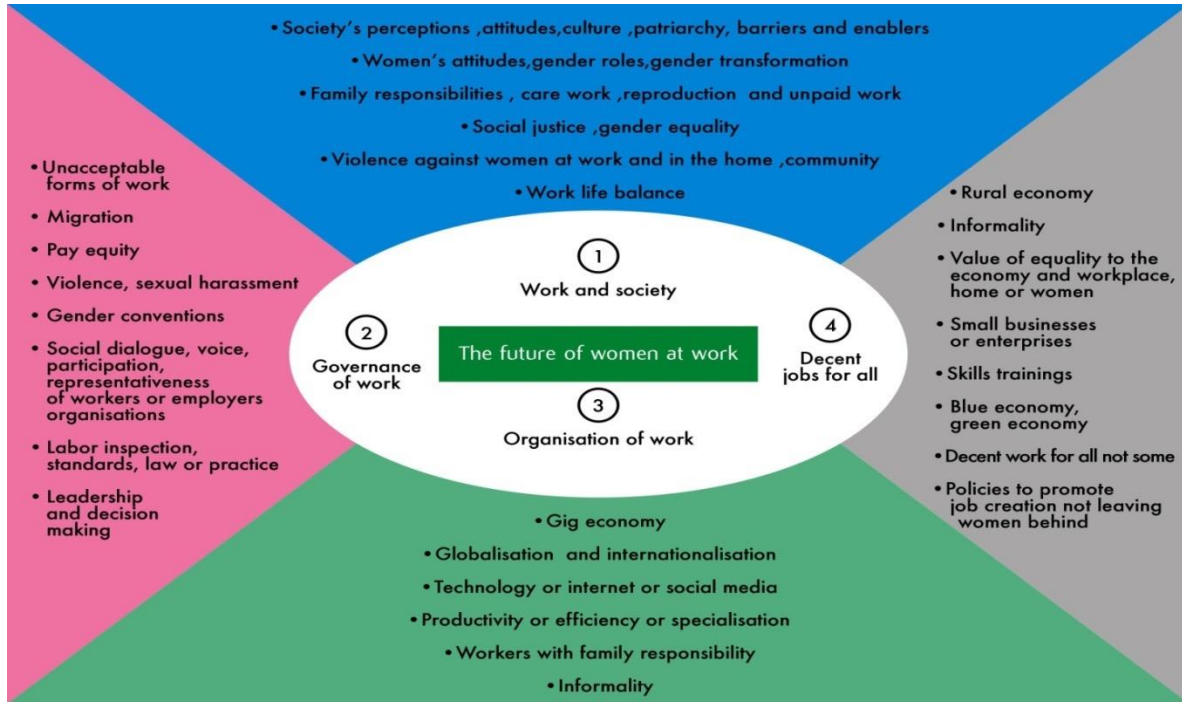
### **1.3.3 Limitations of the study**

The main limitation to the analysis has been the general failure to mainstream gender in labour statistics. Even when traditional labour statistics were accessed, they are woefully inadequate in determining the quality of work. For example, statistics based on the unemployment rate suggest gender equality in the labour market, but conceals differences in access to formal employment, type of economic activity, returns to work among other key factors. Statistics are necessary for the development and evaluation of policies and assessing progress towards decent work, and for information and analysis of relevant labour issues such as the quality of work. The position adopted in this paper is that it is necessary to go beyond this traditional presentation of labour statistics to obtain an accurate reflection of the quality of work for women historically and influence positive change going forward.

### **1.3.4 Abridged Conceptual framework**

The conceptual framework is made up of the following four broad areas of study identified for the future of work discussion document and synthesis report. While the four areas selected cover a broad spectrum of issues, it is not the intention of the research to cover all the issues comprehensively as this will not be possible because of the short time frame within which the research work has to be completed. Therefore, one or two key issues were selected for intensive analysis. The desktop research revealed ILO's four areas of strategic focus with the following documents informing the formulation of the four key areas of research. These key documents are the 2016-2020 Programme and budget document; Future of Work Initiative concept note; and the Gender Department resources.

**Figure 1: Graphical presentation of conceptual framework**



The four broad areas of study informed the development of research tools as well as the formulation of research questions which speak to the issues highlighted under each section. A number of assumptions were identified and considered in the development of the conceptual framework. First, the dominant assumption was that culture and national economic performance have a direct effect on all the four pillars thereby impacting on the trajectory the future of work for women would take in Zimbabwe. Second, the four pillars are inter-related thereby having a cumulative effect to the historical, current and future situation of women in the workplace, whichever form the workplace/jobs would take in future. Third, the concepts are dynamic in nature. They change over time as a result of internal or extraneous factors and that change has a correlative effect on the understanding of work at given time frames.

One underlying limitation was limited time to fully interrogate all the sub-concepts under the four pillars of the framework hence only a few aspects under each pillar were addressed in the primary and secondary data collection as well as the analysis process.

## **2. SITUATIONAL ANALYSIS ON FUTURE OF WORK FOR WOMEN**

Inequalities in the world of work continue to manifest and large gaps between women and men remain at all levels of the economy: labour market participation, pay and quality of work, work-

family balance, domestic and caring responsibilities, voice and social protection. In decision-making and managerial positions, the glass ceiling remains firmly intact<sup>2</sup>. Promoting decent jobs for women has become an imperative, against a background of an overall deterioration in the quality of jobs, a stubborn labour force participation gap between men and women, as well as a gender pay gap that is closing at a glacial rate.

Gender equality is an issue that policy makers and employers continue to grapple with. Gender gaps are evident among farmers, entrepreneurs, and employees alike. Because of gender-specific constraints, female farmers experience gender specific constraints resulting in lower output per unit of land. Women are also less likely to be active in commercial farming than men this disparity stems mainly from unequal access to productive inputs and finances<sup>3</sup>. Female entrepreneurs also typically operate smaller firms and in less profitable sectors. These gender differences in land productivity and participation between male and female farmers are due to gender differences in access to inputs, resources, and services<sup>4</sup>. Research has also shown that female employees are more likely to work in temporary and part-time jobs, are less likely to be promoted, and are concentrated in occupations and sectors with lower barriers to entry<sup>5</sup>. Women and girls also do the vast majority of unpaid care and housework. In most parts of the world women still earn less than men<sup>6</sup>.

The disparities that exist in the work place are driven by multiple constraints that arise in formal and informal institutions, markets, and households. The constraints are most severe among women who face other disadvantages, such as being a member of an ethnic minority, having a disability, or being poor. Another major challenge that women face which affects their performance in the world of work relates to the social and cultural norms that exist. These norms affect women's work by dictating the way they spend their time and undervaluing their potential. Women are assigned gender specific duties such as housework, child-rearing, taking care of the elderly and sick. While men can also perform these duties they are often considered primarily women's responsibility.

It can however be conceded that women's status in the workplace and in society has improved considerably over the years but progress has been far too slow. The slow progress on delivering on decent work for women highlights the need for government to interrogate why this has been the case. The future of women at work research will seek to interrogate the status and

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<sup>2</sup><http://www.ilo.org/gender/Events/international-women-day/2016/lang--en/index.htm>

<sup>3</sup> See, [https://www.researchgate.net/publication/256048594\\_Gender\\_and\\_Agriculture\\_Inefficiencies\\_Segregation\\_and\\_Low\\_Productivity\\_Traps](https://www.researchgate.net/publication/256048594_Gender_and_Agriculture_Inefficiencies_Segregation_and_Low_Productivity_Traps) 2013

<sup>4</sup> *ibid*

<sup>5</sup> Available on <http://www.international.gc.ca/development-developpement/priorities-priorites/weegn-aefno.aspx?lang=eng> accessed 20 June 2016

<sup>6</sup> Available on <http://www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures> accessed 16 June 2016

conditions of women in the world of work in Zimbabwe, with a view to identifying innovative action and interventions that can inform future interventions.

The new Sustainable Development Agenda 2030 (SDA) provides opportunities towards turning the workplace challenges into clear goals and ensuring that women's rights become a reality. Gender issues feature in all 17 of the Sustainable Development Goals (SDG) as a cross cutting issues however, goal SDG 8 is most specific to the ILO's work and is on sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, and SDG 10 on reducing inequality within and among countries, and of course are the focus of SDG 5 on achieving gender equality and empowering all women and girls.

## **2.1 Economic performance**

Zimbabwe attained independence in 1980 and inherited a dual economy comprising a modern sector employing a fifth of the labour force, existing alongside a subsistence agricultural sector employing approximately 80% of that labour force<sup>7</sup>. This economic dualism largely mirrored the pre-independence approach to capitalism that catered for a small segment of the economy, the formal sector, side lining the rest of the informal sector of the economy under largely traditional modes of production.

In the aftermath of various economic policies such as the Economic Structural Adjustment Programme (ESAP) of the 1990s that saw greater liberalization and large scale retrenchments, the economy took a persistent decline, with negative growth rates emerging from 1999. The economy hit a hyper-inflation period reaching its peak levels in 2007 and beginning of 2008. The extent of the decline was by a cumulative 51% between 1999 and 2008 (48% between 2000 and 2008). This poor performance demoted Zimbabwe from being the second largest economy in SADC in 1996 in terms of GDP to eleventh by 2008. More importantly the economic decline caused by ESAP had adverse effects on women workers and further marginalized more than they were ever before because the mandated budget austerity led to cutting of social spending and squeezed more from the tax payer through increased education costs<sup>8</sup>. This made it harder for families to subsist forcing them to withdraw their children from school, particularly girls in a patri-lineal society devaluing females. Prioritizing export agriculture led to reduced food production, which forced women to be exploited in the labor force in which labor laws had been loosened through ESAPs' deregulation that undermined labor social rights.<sup>9</sup>

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<sup>7</sup> Decent Work Country Programme for Zimbabwe 2012-2015, ILO.

<sup>8</sup>Kawewe, Saliwe M. and Dibie, Robert (2015) "The Impact of Economic Structural Adjustment Programs [ESAPs] on Women and Children: Implications for Social Welfare in Zimbabwe," *The Journal of Sociology & Social Welfare*: Vol. 27: Iss. 4, Article 6. Available at: <http://scholarworks.wmich.edu/jssw/vol27/iss4/6>

<sup>9</sup><http://scholarworks.wmich.edu/cgi/viewcontent.cgi?article=2685&context=jssw>

In 2013, the Government adopted the Zimbabwe Agenda for Sustainable Socio-Economic Transformation (Zim Asset) as Zimbabwe's economic blue print for October 2013 - December 2018. This was a move to 'achieve sustainable development and social equity anchored on indigenization, empowerment and employment creation which will be largely propelled by the judicious exploitation of the country's abundant human and natural resources'. What lacks for now are independent comprehensive studies on the socio-economic impact this economic blue print has made in the economy.

## **2.2 Formalised versus informalised economy**

Unemployment as a concept by nature presents problems. Therefore, informality is considered a more useful approach to understanding the labour market situation of any country.<sup>10</sup> The informal economy presents serious challenges for analysis as a result of data deficiencies. Nevertheless, at independence in 1980, the informal economy only accounted for less than 10% of the labour force. In 2003, that figure had jumped to 30% from 23% in 1995. Aggregated statistics generated in this period pointed to a conclusion that '4 out of every 5 jobs in Zimbabwe are informalised'.<sup>11</sup> In 2011, informality was 84 %, and currently sits as 859 000 workers are in the informal sector.

The 2014 LFCLS further showed that 86% of the persons in informal employment were found to be unskilled. Of the females who were in informal employment, 91 percent were unskilled whilst for males in informal employment, 81 percent were unskilled.<sup>12</sup>

## **2.3 The labour market situation**

The 2014 LFCLS revealed that about 7.1 million persons were currently economically active. Around 11.3 percent of the currently active population was in broad unemployment. The overall labour force participation rate was 91 percent (92 percent for males and 89 percent for females)<sup>13</sup>. The labour force participation rates for the 2014 LFS exceeded those for 2011 LFCLS across all age groups. The currently economically inactive population was 684 thousand of whom 48 percent were students. The 2014 LFS found that the population of Zimbabwe is 13.4 million of which 48 per cent are males and 52 per cent are females. The Report also highlighted that Zimbabwe's unemployment level has risen to 11.3 per cent with the majority of the people moving into the informal sector particularly agriculture. The unemployment rate has gone up from 4.8 per cent in 2011.

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<sup>10</sup> Luebker M: Employment, Unemployment and Informality in Zimbabwe: Concepts and data for Coherent Policymaking, ILO Sub-Regional Office for Southern Africa, Harare, July 2008.

<sup>11</sup> The Decent Work Programme in Zimbabwe 2012 – 2015, p5.

<sup>12</sup> 2014 LFCLS, para. 5.2.4.

<sup>13</sup> 2014 LFCLS page 44.

The Report also shows that the working population (that is the population aged 15 years and above) currently stands at 58 per cent. A total of 67 per cent of the employed population are in the agriculture, forestry and fishing sector. Women are mostly populated in the agricultural sector even though they also participate in fishing to some extent. Eighty-three percent of the currently employment population were unskilled.<sup>14</sup> Eighteen percent reported working excessive hours. Thirteen percent were in precarious employment. The share of women in wage employment in the non-agricultural sector was 37 percent while their share in senior and middle management was 24 percent. Close to 4 percent of currently employed population were members of an employee association. The survey also shows that the informal sector is contributing 64 per cent to the employed population in Zimbabwe.

There are currently more females than males in the informal sector and 61 per cent of those in the informal sector are in the wholesale and retail business, repair of motor vehicles and motor cycles.<sup>15</sup> The largest percentage of informal sector employees operates in their own homes. Males dominated females in all other employment categories except in the own account worker (communal, resettlement & peri-urban farmer), own account worker (other) and unpaid contributing family worker categories. Own account workers and contributing family workers are summed up together to produce those in 'vulnerable employment'. It can, therefore, be deduced that about 83 percent of females and 66 percent of the males are in vulnerable employment. This translates into three persons for every four employed persons.

## **2.4 The situation of women in the labour market**

*Women in the civil service;* Some commendable attempts have been made to increase women's participation in some key positions in the civil service, however, statistically; women are still largely under-represented. For instance, the 'overall LFPR in 2014 was around 91 percent increasing from 87 percent in 2011. The total LFPR for the 2014 LFCLS was higher than that from the 2011 LFCLS across all age groups. The rate for males, from the 2014 LFCLS, was 92 percent and for females 89 percent. The LFPR for males exceeded those for females across all ages'.<sup>16</sup>

*Women in the formal and informal sector:* The number of women who eventually enter the formal job market remains very low due to the fact that fewer females complete secondary and tertiary education. Women end up being engaged in low paying jobs and in the informal economy where decent work deficits are prevalent with the result that their employment is precarious in a number of ways. The decent work deficits include absence of social security coverage,

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<sup>14</sup> 2014 LFCLS page 59.

<sup>15</sup> [http://www.unicef.org/zimbabwe/media\\_16426.html](http://www.unicef.org/zimbabwe/media_16426.html)

<sup>16</sup> 2014 LFCLS, para. 3.3.

nil health and safety requirements, long working hours, weak to absent labour inspection and lack of appropriate dispute settlement mechanisms. Overall, the lack of data disaggregated by gender and gender-sensitive indicators in the country limits effective policy-making and budgetary processes as well as the monitoring and evaluation of policies, plans and programmes at national, provincial and community levels.

*Women in the agricultural sector:* The agricultural sector has always been one of the largest employers of women in Zimbabwe. For instance in 2014, agriculture's share in total employment stood at 67 percent, with women constituting 89 percent against men on 92 percent.<sup>17</sup> In the year 2000 the country embarked on a land reform process whose primary goal was to redistribute land to black people. Land reform strategies in Zimbabwe have incorporated processes of exclusion, worsening social divisions and class disparities.<sup>18</sup> Land reform applied inheritance and land allocation rules that discriminate against women such that single, married, divorced and widowed women are particularly vulnerable to losing the land upon the death of the man in whom the land is registered. From the outset, men were better placed than women with regards to accessing land in the fast track land reform process<sup>19</sup>.

The challenge is that farming as a form of employment is characterized by low levels of productivity and time related under employment. Lifting rural workers (70% being women) out of poverty requires improving their incomes. The best way to do this is to enhance their productivity, increasing average income per hectare under crop, encouraging the farmers to move to higher value crops, reducing post-harvest losses, encouraging value addition, strengthening skills for production and processing, improving access to markets, finance and inputs.

*Women in specialized sectors:* While the number of women participating in specialized sectors such as engineering, the legal profession and science has increased there are some specific challenges that can be noted. Female lawyers remain concentrated in the NGO sector and in family law related law firms. The percentage of women in the engineering and science professions remains lower than that of men. In terms of the LFCLS 2014 report the female share of employment in senior and middle level management provides some insight into women's power in decision making in the economy. The report showed that the share of women in senior and middle management was 24 percent - a very small percent as compared to the men in decision making.

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<sup>17</sup> [http://www.ilo.org/ilostat/faces/home/statisticaldata/ContryProfileId?\\_afLoop=427448722859064#%40%3F\\_afLoop%3D427448722859064%26\\_adf.ctrl-state%3D8a19mvmkak\\_153](http://www.ilo.org/ilostat/faces/home/statisticaldata/ContryProfileId?_afLoop=427448722859064#%40%3F_afLoop%3D427448722859064%26_adf.ctrl-state%3D8a19mvmkak_153).

<sup>18</sup> R Gaidzanwa, 2011, Women in Land in Zimbabwe, Paper presented at the Conference "Why women matter in agriculture" Sweden, April 4-8, 2011.

<sup>19</sup> R Gaidzanwa, 2011, *ibid*

Overall, statistics are clear that there are more men employed than women as represented by a 15 percent unemployment rate for women in 2014 according to the 2014 ILO KILM, against a 7 percent unemployment rate for men out of a total unemployment rate of 11 percent for all sexes and age groups in Zimbabwe for the period under review.

## **2.5 Social dialogue and dispute resolution systems**

Social dialogue is defined by the ILO to include all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy. It can exist as a tripartite process, with the government as an official party to the dialogue or it may consist of bipartite relations only between labour and management (or trade unions and employers' organizations), with or without indirect government involvement. Social dialogue processes can be informal or institutionalized, and often it is a combination of the two. It can take place at the national, regional or at enterprise level<sup>20</sup>. It can be inter-professional, sectoral or a combination of these. The main goal of social dialogue itself is to promote consensus building and democratic involvement among the main stakeholders in the world of work. There can be no effective social dialogue without strong, independent and capable social partners in the form of TNFs.

The TNF continues to be a platform where social dialogue is initiated and sustained between the partners. Current issues such as the labour laws reform agenda with aspects of legislative alignment continue to be discussed at this platform. One of the key challenges the TNF is facing is the non-enactment of the TNF Bill, a law that would constitute the TNF as a body whose negotiations would find be legally binding thereby directly impacting on labour and economic development in the country.<sup>21</sup> In the absence of such legislation, the Kadoma Declaration and the Founding Principles of the Tripartite Negotiating Forum remains the key document outlining the ideal conditions for progressive national dialogues. On its part the TNF gender representation continues a trajectory of having more men than women thereby again putting on the spot-light the commitment to gender equality on platforms that are designed to give voice to issues of women workers including closing the sticking gender inequality gap. The TNF meetings are chaired by the Minister of Public Service, Labour and Social Welfare.

## **2.6 Women and migration**

Migration is a very broad and cross-cutting issue. It is interlinked, both in positive and negative ways with human rights – migrants' rights, human trafficking, discrimination, sexual exploita-

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<sup>20</sup> <http://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang--en/index.htm>

<sup>21</sup> 'TNF Bill set for Parliament' *The Herald* May 24<sup>th</sup> 2016. Available at: <http://www.herald.co.zw/tnf-bill-set-for-parliament>.

tion, forced migration, displacements; exploitation, labour laws, decent work, empowerment, social protection; health; economic growth, remittance transfers. More often than not, when women travel across borders, they do so illegally without proper documentation and identification. This limits their ability to access basic social services such as education and healthcare and makes them vulnerable to precarious labour and other forms of exploitation, in particular when they migrate without proper documentation. Though some women who migrate voluntarily may become trafficked to countries such as Kuwait and other countries in the process of migration, there are many who are not, it is important therefore for the state policy responses not to be fragmented in order to offer women protection and development opportunities.

### **3. HISTORICAL PERSPECTIVES TO WOMEN AT WORK IN ZIMBABWE**

#### **3.1 The role of negative legal and cultural context**

During the pre-colonial and colonial period, legislation and culture explicitly discriminated against women in the field of employment. In terms of the prevailing customary law, women were regarded as perpetual minors who could not enter into the employment field without the consent of their husbands or fathers. If they worked at all the money they earned belonged to their husbands. To this extent, African women were deprived of access to employment opportunities as these could only be enjoyed at the mercy of the husband or the father of the women concerned (if unmarried). African women were also not entitled to paid maternity leave. On the other hand, their white female counterparts were not subjected to the same limitations. They did not require the consent of their husbands or fathers to enter into the employment relationship. They were not denied paid maternity leave.

With respect to industry specific segregation of workers between the sexes, it has been observed that in 1979, only 4% of workers in the manufacturing industry were women, a sizeable number were employed in the social service sectors such as health and education while about 65% were engaged in agriculture.<sup>22</sup> The position of women in the workplace tends to suggest a huge influx in the agriculture sector, which is the lowest paying industry in Zimbabwe historically. This tends to demonstrate that the position of women at work in the colonial era was mostly in the lowest rung of income generation activities and thereby left women vulnerable and dependent on men to eke a basic existence.

#### **3.3 The Post-Independence era**

After gaining political independence in 1980 the Zimbabwe government took a proactive approach to addressing women's issues and problems. Pressure to address gender disparities was a historical product partly as a result of women's involvement in the struggle for national liberation in Zimbabwe and throughout Africa.<sup>23</sup>

Post independent Zimbabwe generally yielded positive developments for women in the formal workplace in terms of law and policy. The positive developments came indirectly through the amendments made to the legal age of majority as well as positive judicial pronouncements in cases like *Katekwe vs. Muchabaiwa* where equality between the sexes was asserted as the law. While these were not per se labour based decisions, they had the cross cutting effect of ensuring that African women no longer required the consent of their husbands and or fathers prior to entering into the contract of employment. In *Wazara v Principal, Belvedere* discrimination

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<sup>22</sup>Lucy Mazingi and Richard Kamidzi (2009) *ibid*

<sup>23</sup>Makombe, F.T. and Geroy, G. (2009) *Seeking Culturally attentive Career Advancement Strategies for Women: Perspectives from Zimbabwean Women*. San Houston State University.

based on sex was not recognised by the then constitution such that rules authorized expulsion of a female student who fell pregnant was found to be consistent with the supreme law. Labour legislation was suitably amended to incorporate issues of non-discrimination and equal access to employment, paid maternity leave, equal pay for work of equal value among other issues. These positive changes in the law, however did not wipe away the existing inequalities. Instead, an assessment of the emerging labour statistics then compiled manifests a new and emerging trend, namely that these apparently gender neutral laws and policies encounter gender specific realities.

As a result of the many positive economic measures the country experienced an economic boom for the first few years following the lifting of sanctions. The economy performed well up to around 1987 before it started to decline due to what were perceived to be structural rigidities. This resulted in high inflation levels, low and even negative GDP growth, growing unemployment and deepening poverty, ballooning domestic and foreign debt.<sup>24</sup>

The opening up of the economy from 1990 through ESAP resulted in the growth and expansion of the informal sector. The deregulation of the labour market, accompanied with the massive retrenchments in both the public and private sector, meant that all the redundant labour force had to join the informal sector for a living. For the majority of women, not in formal employment, tensions increased with wage-earning husbands who continued to engage in private spending.<sup>25</sup> A study from Zimbabwe in 1995<sup>26</sup> showed that nearly 4 out of 5 women engaged in off-farm enterprise were brewing beer while men were smiths, brick-makers, and builders, and men's annual income that was at least 7 times that of women.<sup>27</sup>

The year 2007 to 2008 signified massive inflation and economic decline which forced more women to join the informal sector as money changers cross border traders and small business owners. Introduction of the dollar in 2009 stabilized the economy and economic growth was recorded for a few years and this stability benefited women workers and the economy in general.

A sector study by industry helps to expand the point above that women are generally located in the lower end and lower paying industrial sectors. Table 2 below shows the distribution shows the position of women in the industrial segregation matrix as at 2012.

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<sup>24</sup><http://r4d.dfid.gov.uk/PDF/Outputs/SkillsForDev/3880-GQL-15.pdf>

<sup>25</sup> Nazneen Kanji, Gender, Poverty and economic adjustment in Harare, Zimbabwe, (1995) [http://www.ucl.ac.uk/dpu-projects/drivers\\_urb\\_change/urb\\_economy/pdf\\_glob\\_SAP/IIED\\_Kanji\\_Zimbabwe.pdf](http://www.ucl.ac.uk/dpu-projects/drivers_urb_change/urb_economy/pdf_glob_SAP/IIED_Kanji_Zimbabwe.pdf)

<sup>26</sup> Scott, E.P. (1995). "Home-based Industries: an Alternative Strategy for Household Security in Rural Zimbabwe" *Journal of Developing Areas* 29 (2): 183-212.

<sup>27</sup><https://www.idrc.ca/sites/default/files/sp/Documents%20EN/GrOW-LiteratureReviewEN.pdf>

**Table 2: Industry based distribution of labour by gender**

|                                       | All          |            | Male         |            | Female       |            |
|---------------------------------------|--------------|------------|--------------|------------|--------------|------------|
|                                       | X 1000       | %          | X 1000       | %          | X1000        | %          |
| <b>Agriculture, Forestry, Fishing</b> | 2,710        | 58.1       | 1,146        | 48.0       | 1,564        | 68.6       |
| <b>Manufacturing</b>                  | 255          | 5.5        | 158          | 6.6        | 97           | 4.3        |
| <b>Transport</b>                      | 89           | 1.9        | 87           | 3.6        | 2            | 0.1        |
| <b>Services</b>                       | 442          | 9.5        | 168          | 7.0        | 274          | 12.0       |
| <b>Education</b>                      | 98           | 2.1        | 75           | 3.1        | 23           | 1.0        |
| <b>Government</b>                     | 194          | 4.2        | 69           | 2.9        | 125          | 5.5        |
| <b>Other</b>                          | 705          | 15.1       | 521          | 21.8       | 184          | 8.0        |
| <b>Total</b>                          | <b>4,666</b> | <b>100</b> | <b>2,386</b> | <b>100</b> | <b>2,280</b> | <b>100</b> |

Source: Maarten van Klaveren et al calculations based on ILO Labour statistics

The table above reveals that women still dominate in the agriculture, fishing, forestry and services industry. It can therefore be concluded that while there has been deliberate attempts in post independent Zimbabwe to improve access to employment opportunities for women, the regrettable trend is that women are still found at the bottom rung of economic activity and hence they remain vulnerable and thus calling out for alternative engagement mechanisms to better the situation. This may require an examination into the causes of locating women at the bottom matrix of the economy. Further research has also shown that even the women in high paying industries such as those employed by governments in parastatals, rarely make it up to the top brass of the hierarchy. A research conducted from five main parastatals in Zimbabwe in 2012<sup>28</sup> suggests that the most prevalent challenges which hinder women in so far as a recruitment, transfers and promotion include but are not limited to:-

- (a) attending to care work and other family responsibilities;
- (b) direct and indirect discrimination as a result of gender stereotyping in the workplace
- (c) The failure of the government to domesticate and enforce legal instruments to enable them to enforce certain critical internationally recognised labour rights (e.g. access to child care facilities at the work place and leave to attend to sick family members).

<sup>28</sup> Rudo Makunike, 2012, The Quality of Women's Employment: An Analysis of the vertical representation of women in parastatals. SEARCWL University of Zimbabwe.

If these trends are present within Government, being the biggest employer of women in these parastatals, it cannot be gainsaid that women in the private sector experience the same challenges more acutely.

### **3.4 Conclusion**

A historical analysis of women at work in the Zimbabwean labour market is liable to several distortions owing to a variety of factors depending on each particular period. In the pre-colonial era, the major hindrance was the absence of a formal employment set up corroborated by the scarcity of evidence on the issue. In the colonial era, the segregation between African and white settlers makes it difficult to give a holistic picture of the situation of women at work unless segregated on racial lines. In the post-colonial era, the main challenge has been the lack of implementation of the laws and policies available to support women equality in the workplace, further structural complexities which perpetuate inequalities between the sexes at work have been a cause for concern. However overall it can be said that a historical analysis of women at work reveals some progress in terms of gender equality in the workplace even though more still needs to be done ensure that the future of women at work is secure.

## 4. KEY ISSUES FOR CONSIDERATION

### 4.1 Unpaid care work

A significant part of care and domestic work in all societies takes place through relations of family, kinship and friendship, and is done on an unpaid basis.<sup>29</sup> Although this unpaid care and domestic work is not counted as “economic activity” in labour-force surveys, nor incorporated in calculations of GDP, it has enormous economic value. It contributes to human well-being, builds stronger social ties, enables economic dynamism and growth and frees up space and time to male counterparts regarded as undertaking productive work. Without this work the economy would grind to a halt.<sup>30</sup> According to the UN Special Rapporteur on extreme poverty and human rights, how societies address care has far-reaching implications for gender relations, power relations and inequalities, as well as human rights enjoyment<sup>31</sup>.

The costs and burdens of care are unequally borne across gender and class: care is predominantly done by women and girls, and research shows that the time and difficulty of engaging in unpaid care work are linked to levels of poverty.<sup>32</sup> Women’s responsibility for care leads to the violation of their basic human rights to an education, political participation, decent work and leisure. It is critical that government rethinks ways in which to make women’s unpaid care work visible and encourage a more collective responsibility for care provision across numerous actors from women and men, the community and the government. This would help to respect, protect and fulfil women’s rights. Unpaid care work can be reduced or redistributed through the provision of public services that support care provision. Addressing negative gender stereotypes and attitudes about men and women’s roles can also lead to better distribution of care work.

### 4.2 Gender Equality and discrimination

The Government, by virtue of being party to various human rights instruments, has an obligation to ensure that women fully enjoy rights such as the right to work, the right to social security, and the right to an adequate standard of living on an equal basis with men. There is a strong correlation between women’s labour force participation and availability of affordable childcare services. Therefore to ensure that gender equality in the workplace goes beyond rhetoric, child

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<sup>29</sup> [http://socialprotection-humanrights.org/wp-content/uploads/2016/03/Brief-5\\_Redistributing-Unpaid-Care-and-Sustaining-Quality-Care-Services.pdf](http://socialprotection-humanrights.org/wp-content/uploads/2016/03/Brief-5_Redistributing-Unpaid-Care-and-Sustaining-Quality-Care-Services.pdf)

<sup>30</sup> Redistributing unpaid care and sustaining quality care services : A prerequisite for gender equality , Policy Brief No 5 , UN WOMEN ,available <http://www2.unwomen.org/~media/headquarters/attachments/sections/library/publications/2016/unwomen-policybrief05-redistributingunpaidcareandsustainingqualitycareservices-en.pdf?v=1&d=20160311T181254>

<sup>31</sup> Unpaid work, poverty and women’s human rights, OHCHR, Available on <http://www.ohchr.org/EN/Issues/Poverty/Pages/UnpaidWork.aspx>

<sup>32</sup> Available on <http://www.ohchr.org/EN/Issues/Poverty/Pages/UnpaidWork.aspx>

care services should be made available.<sup>33</sup> Provision of effective support is important, service delivery must be not only trustworthy in terms of safety and quality but also compatible with the needs of working parents in terms of location and opening hours.<sup>34</sup> The Zimbabwe Gender Equality index at 0.583 is high, showing that there is a large gap between men and women's development. It suggests inequalities, deeper poverty lower, and well-being amongst women in comparison to men and these are all areas that need improvement.

### 4.3 The Gender Gap

The term "gender gap" generally refers to the observed inequity in earnings, whereby men earn significantly more than women both on average and when performing the same job. There are also discussions of gender gaps in representation in certain areas of society such as education and politics. One of the targets of the SDA 2030 is to achieve, by 2030, "full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value (SDG 8, target 8.5).<sup>35</sup>

The fact that the SDGs specifically refer to equal pay for work of equal value means that it is a key issue that countries should monitor and comply with. In 2015, Zimbabwe ranked at number 57 out of 145 nations assessed in terms of the global gender wage gap index in the world.<sup>36</sup> Gender differences in productivity and earnings in Zimbabwe have been systematic and persistent. Whether in agriculture or off the farm, among those self-employed or in wage employment, women exhibit lower average productivity and earn lower wages than men. According to the ILO, differentials in earnings between men and women are a policy concern as many factors that affect the gender wage gap are consequences of broader gender inequalities in the labour market.<sup>37</sup> The core argument for addressing the gender pay gap is social justice for women. Pay

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<sup>33</sup> See, <http://www2.unwomen.org/~media/headquarters/attachments/sections/library/publications/2015/unwomen-policybrief02-genderequalitychilddevelopmentandjobcreation-en.pdf?v=1&d=20151216T170713>

<sup>34</sup> Gender Equality ,child development and job creation :How to reap the ' triple dividend' from early childhood education and care services ,UN WOMEN Policy Brief No 2 ,available on , <http://www2.unwomen.org/~media/headquarters/attachments/sections/library/publications/2015/unwomen-policybrief02-genderequalitychilddevelopmentandjobcreation-en.pdf?v=1&d=20151216T170713>

<sup>35</sup> <http://www.futureofworkhub.info/allcontent/2016/3/8/women-at-work-trends-2016>

<sup>36</sup> See, <http://reports.weforum.org/global-gender-gap-report-2015/rankings/> the data set provides the Index benchmarks national gender gaps on economic, political, education and health criteria, and provides country rankings that allow for effective comparisons across regions and income groups. The rankings are designed to create greater awareness among a global audience of the challenges posed by gender gaps and the opportunities created by reducing them. The methodology and quantitative analysis behind the rankings are intended to serve as a basis for designing effective measures for reducing gender gaps.

<sup>37</sup> Women at work trends 2016,ILO, [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_457317.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_457317.pdf)

equality can have positive economic benefits if it enables economies to make better use of women's potential and talents.<sup>38</sup>

An equal and enabling legal, regulatory and policy environment for men and women's rural and urban businesses and gender-sensitive economic opportunities for men and women could narrow the gender gap and enable women and men to achieve parity and improve the quality of their lives. Thus, high income is not sufficient to ensure equality in quality of life, freedom and dignity between men and women.<sup>39</sup>

#### 4.4 Social security

Social security involves access to health care and income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a main income earner.<sup>40</sup> The Universal Declaration of Human Rights (UDHR) provides that "everyone, as a member of society, has the right to social security".<sup>41</sup> The ILO 'actively promotes policies and provides assistance to countries to help extend adequate levels of social protection to all members of society'.<sup>42</sup> However, while social security is a powerful instrument for poverty reduction and social cohesion it remains a challenge in Zimbabwe. For instance, in earlier reports on Zimbabwe, the ILO has established that 'active contributors to an old age contributory scheme' as a percent of the working-age population stood at 17 percent in 2009. And in 2011, 'public social protection expenditure' excluding health was 1 percent of the GDP and 6 percent including expenditures on health. More telling is the fact that 0 percent represents the share of 'unemployed receiving regular periodic social security unemployment benefits' in 2013.<sup>43</sup>

To support the above findings, the UN Women has established that women are over-represented among the 73 per cent of the world's population who have only partial or no access to social protection; and where they gain access, they tend to do so on highly unequal terms.<sup>44</sup> Yet ILO again stresses that 'only 20 per cent of the world's population has adequate social security coverage and more than half lack any coverage at all'.<sup>45</sup> However, properly de-

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<sup>38</sup> Jill Rubery, Professor of Comparative Employment Systems, Manchester Business School, University of Manchester, tackling the gender pay gap, from individual choices to institutional change, UN WOMEN Policy Brief no 6, on <http://www2.unwomen.org/~media/headquarters/attachments/sections/library/publications/2016/unwomen-policybrief06-tacklingthegenderpaygap-en.pdf?v=1&d=20160311T181224>

<sup>39</sup> [http://www.unicef.org/zimbabwe/ZIM\\_resources\\_beyondincome.pdf](http://www.unicef.org/zimbabwe/ZIM_resources_beyondincome.pdf)

<sup>40</sup> <http://www.ilo.org/global/topics/social-security/lang-en/index.htm>.

<sup>41</sup> Article 22 of the Universal Declaration of Human Rights, 1948.

<sup>42</sup> <http://www.ilo.org/global/topics/social-security/lang-en/index.htm>.

<sup>43</sup> As above.

<sup>44</sup> [www2.unwomen.org/~media/headquarters/attachments/sections/library/publications/2015/unwomen-policybrief01-makingnationalsocialprotectionfloorsworkforwomen-en.pdf?v=1&d=20151216T170541](http://www2.unwomen.org/~media/headquarters/attachments/sections/library/publications/2015/unwomen-policybrief01-makingnationalsocialprotectionfloorsworkforwomen-en.pdf?v=1&d=20151216T170541)

<sup>45</sup> [http://www.ilo.org/ilostat/faces/home/statisticaldata/ContryProfileId?\\_afzLoop=434700949244541#%40%3F\\_afzLoop%3D434700949244541%26\\_adf.ctrl-state%3D8a19mvmkak\\_166](http://www.ilo.org/ilostat/faces/home/statisticaldata/ContryProfileId?_afzLoop=434700949244541#%40%3F_afzLoop%3D434700949244541%26_adf.ctrl-state%3D8a19mvmkak_166).

signed fiscal, wage and social protection policies—including minimum wages, family and child allowances and old-age pensions—can be powerful tools to reduce poverty, redress women’s socio-economic disadvantage and guarantee their right to an adequate standard of living.<sup>46</sup>

#### **4.5 Women in leadership and decision making**

Greater diversity in leadership positions in the workplace is now widely accepted. Balanced leadership teams benefit from a range of perspectives and experiences and have a greater capacity to understand all their client’s needs, enabling them to be more effective<sup>47</sup>. Measures such as quotas and targets are part of the solution. However, continued improvements in gender equality must be underpinned by real structural and behavioral change. This means that leaders, present and future, must genuinely believe that women and men leading together equally is the best way to succeed.<sup>48</sup> Believing this will sustain future gender equality beyond the expiry date of a given quota or target. The quota system concept required by the Constitution must be backed up by programmes that empower women to be effective in those positions.

Empowerment also makes women confident to speak to issues that affect them and other women such as discrimination in the workplace. At the moment, especially in parliament, the quota system has not yielded the desired results as the capacity of women so elevated remains diminished. Women’s representation in politics showed signs of progress after the 2008 elections, there were 32 women in the 214-seat House of Assembly (15.0%), increasing from just 10% in 2004. Women won 23 of the 60 elected seats in the Senate, including the president of the Senate. One vice president, one deputy prime minister, five ministers, and two governors were women. Of the 270 House and Senate elected positions, 57 were filled by women or 21.1%, short of the current SADC target for female representation of one-third (leave alone of 50% by 2015). In 2006 the first woman held the position of judge-president of the High Court.

Currently only 6 women out of 20 are chairs of parliamentary portfolio committees. The women in the leadership position have done outstanding work and these include a woman who chairs the Justice, Legal and Parliamentary affairs portfolio committees.

In terms of political party leadership representation in the national assembly in parliament it is interesting to note that both the chief whips of ZANU PF and MDC-T are male. This is a very influential position in political party leadership and plays a major role in parliamentary business in

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<sup>46</sup><http://progress.unwomen.org/en/2015/pdf/SUMMARY.pdf>

<sup>47</sup> <http://www.gallup.com/businessjournal/166220/business-benefits-gender-diversity.aspx>

<sup>48</sup> Lewis Silkin, (2014), Women on Boards? Gender Equality and gender diversity in the boardroom, [http://www.futureofworkhub.info/allcontent/2014/11/12/gender-equality-and-diversity-in-the-boardroom#at\\_pco=smlre-1.0&at\\_si=575490393a94dcab&at\\_ab=per-2&at\\_pos=2&at\\_tot=8](http://www.futureofworkhub.info/allcontent/2014/11/12/gender-equality-and-diversity-in-the-boardroom#at_pco=smlre-1.0&at_si=575490393a94dcab&at_ab=per-2&at_pos=2&at_tot=8)

terms of getting other members of parliament to tow therapy in line in terms of certain issues such as voting for critical laws or other business in the house.

**Table 2: The current ZEC composition**

The table below highlights the number of women in leadership in the independent commissions. Only two out of the 6 commissions that are currently in existence have women as chairperson.

**Table 3: Composition of chairpersons of independent commissions**

| Independent Commissions           | Name of Chairperson           | Gender |
|-----------------------------------|-------------------------------|--------|
| Electoral                         | Rita Makarau                  | Female |
| Human Rights                      | Elasto Mugwadi                | Male   |
| Gender                            | Margaret Mukahanana Sangarwe, | Female |
| Media                             | Godfrey Majonga               | Male   |
| National Peace and Reconciliation | Late Cyril Ndebele            | Male   |
| Anti-Corruption Commission        | Job Wabhira                   | Male   |
| Zimbabwe Electoral Commission     | Hon. Justice Rita Makarau     | Female |

The security sector in Zimbabwe has been making progress to achieve gender equality in the sector. On January 4 2016, group Captain Ellen Chiweshe was promoted to become the first female Air Commodore in Zimbabwe.<sup>49</sup> The first female Brigadier General in the Zimbabwe Defence forces was promoted in 2013.<sup>50</sup> Female representation in the country's 92 urban and rural councils still remains below 20% and the country's new 26-member cabinet has only three female ministers.<sup>51</sup>

<sup>49</sup><http://www.chronicle.co.zw/gender-women-and-decision-making-sky-is-the-limit/>

<sup>50</sup> ibid

<sup>51</sup> <http://africa.unwomen.org/en/where-we-are/eastern-and-southern-africa/zimbabwe#sthash.bONZTY4B.dpuf>

#### **4.6 Glass ceilings**

The metaphors ‘barrier’, ‘glass ceiling’, and ‘glass wall’ arise from a particular way of thinking about gender inequality in the public realm.<sup>52</sup> Conceptually, glass ceiling phenomenon describes the invisible barriers blocking women advancement into leadership. Although several factors explain this phenomenon the most significant influences are socio-cultural. The advancement of women into the high echelons of leadership is no longer a luxury but an urgent challenge. Educational, sociological, cultural and legal barriers continue to marginalize women in this respect.<sup>53</sup> Cultural traditions keep women in the margins of leadership especially at work.

#### **4.7 Women in the rural economy**

In Zimbabwe, 86% of women live in rural areas.<sup>54</sup> Ensuring gender equality is a fundamental basic human right and equally a social and economic imperative.<sup>55</sup> Rural women play a key role in enhancing the economy through agricultural production and promoting development of rural areas by working to improve food security and eradicate poverty within communities. Gender inequality however remains a concern in Zimbabwe, particularly in rural areas. Real income of women is three times less than that of men, and women have a higher structural unemployment rate of 70% compared to 56% for men.<sup>56</sup> Women’s access to land is mediated through males, rendering women dependent on men regardless of age, marital status, level of education and other attributes. Widowhood and divorce are important markers of vulnerability for rural women. Thus, health and women’s property across all sectors of the economy, particularly for rural women, need attention.

#### **4.8 Violence against women and sexual harassment**

The high prevalence of violence against women and girls in Zimbabwe is a major challenge to the advancement of women’s and girls’ human rights. 47% of women have experienced either physical or sexual violence at some point in their life; 1 in 3 girls experience sexual violence before they turn 18 and a majority of these girls are adolescents aged between 14 and 17 years; and less than 3% of these girls received professional help.<sup>57</sup> Sexual violence is more prevalent amongst women in employment in the form of sexual harassment (30%) than amongst unem-

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<sup>52</sup> Connell, R. (2006). Glass ceilings or gendered institutions? Mapping the gender regimes of public sector worksites. *Essays on Equity, Gender and Diversity*, 837-849.

<sup>53</sup> Kjeldal, S., Rindfleisch, J., & Sheridan, A. (2008). Gender inequality in academia: The role of informal rules and practices. *Women in Management*, 39(1), 1-11.

<sup>54</sup> <http://www.zw.one.un.org/newsroom/news/unct-statement-%E2%80%9Cempower-women-rural-areas-eradicate-poverty-and-hunger%E2%80%9D>

<sup>55</sup> <http://www.zw.one.un.org/newsroom/news/unct-statement-“empower-women-rural-areas-eradicate-poverty-and-hunger”>

<sup>56</sup> *ibid*

<sup>57</sup> <http://africa.unwomen.org/en/where-we-are/eastern-and-southern-africa/zimbabwe>

ployed women (20%).<sup>58</sup> Wealth, employment and education do not insulate women from sexual violence since even women in the highest wealth quintile report sexual violence. Section 65 (1) of the Constitution of Zimbabwe embodies a fundamental human right which expressly outlaws sexual harassment by providing every person with the right to fair labor practices and fair labor standards .

Given that sexual harassment is categorised as unfair labour practice in terms of the Labour Act section 8, it should not be tolerated in the workplace. There are many legal remedies available to women who have experienced sexual harassment in Zimbabwe and these include seeking damages under the law of delict, filing an interdict or reporting the offender to senior management which action can lead to disciplinary action. However sexual violence cases are seldom reported due to fear of reprisals and the gender stereotypes that are associated with violations of a sexual nature. The woman is often blamed for the harm that she would have suffered. It was noted by some female lawyers during a discussion that knowledge of the law pertaining to sexual often does not translate into action.<sup>59</sup> Other factors that determine whether or not a woman will report sexual harassment in the workplace is the availability of confidential and effective complaints mechanisms. Further responsible bodies need capacitation to address violence against women effectively.

The high levels of unemployment in Zimbabwe have contributed to increased cases of violence against women in the home and at the workplace. Women are increasingly becoming exposed to sexual harassment which they do not report due to fear of losing their jobs. It is therefore imperative to raise awareness of women about what constitutes sexual harassment, how they can get help and where. The need to have sexual harassment policies in the workplace remains a critical initiative to embark on in order to curb the challenge in the work place.

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<sup>58</sup>[http://www.unicef.org/zimbabwe/ZIM\\_resources\\_beyondincome.pdf](http://www.unicef.org/zimbabwe/ZIM_resources_beyondincome.pdf)

<sup>59</sup> Lunch time round table discussion on legal remedies for combating sexual harassment at the workplace, hosted by Zimbabwe Women Lawyers association 27 July 2016. Holiday Inn , Harare

## **5. WORK AND SOCIETY**

### **5.1 Introduction**

Gender stereotypes are shaped by how society perceives men and women and the gender roles that are seen as acceptable in that society for these sexes. Gender stereotyping can be defined differently in different settings in the home, at school and at work places. The society perpetuates certain behaviours among males and females through the way they are brought up. Therefore girls and boys learn certain behaviours through socialization. When girls are born they are called soft and cute while boys are called strong and energetic. It is believed that men are born with certain natural abilities, aptitudes or talents that are different from those of women.

Therefore gender stereotypes, negative constructions of femininity affect the division between domestic and public spheres of activity in a way that is particularly constraining to women and advantageous to men. The domestic and public spheres of activity are associated with different amounts of property, power and prestige. Women's reproductive roles and their responsibilities for domestic labour limit their association with the resources that are highly valued. Women are burdened with care work and domestic work while men are freed from the domestic responsibilities. Their economic obligations in the public sphere assure them of control of highly valued resources and give rise to male privilege. Even if women do enter public sphere work societal perception of work and the role of women constrains women to certain jobs.

Perceptions and negative attitudes towards women often manifest in the workplace where it is often assumed that women do not advance in their careers because they prefer to be in the home doing domestic chores. Men are thought to be more ambitious, task-oriented, and work-involved; women are considered less motivated, less committed, and more oriented to work relationships than to work itself and consequently this has a negative impact on their career advancement. It is important to note that the stereotyping of knowledge and skills given to female and male students at the introduction of formal schooling combined with marginalization and discrimination against women continues to influence the gendered nature of education even today, thus, in a way, determining the occupation of men and women.

### **5.2 Family responsibilities and underemployment**

Women spend disproportionately more time on unpaid care work than men. This is often because of gendered social norms that view unpaid care work as a female duty. Therefore, social norms affect women's work by dictating the way they spend their time and undervaluing their potential. Many women in Zimbabwe spend a large part of their day meeting the expectations of their domestic and reproductive roles. Women spend more time performing household chores than men during both the dry and rainy seasons. In the dry season women spend approximately 50% of their time per day working while men spend only 29% of their daily time

working.<sup>60</sup> During the rainy season women on average spend only 29% of their time relaxing and 69% of the time working on their gender roles and responsibilities. Men spend 50% of their time working during the rainy season and another half relaxing, resting or sleeping. On average women work 5 hours more than men in both the dry and rainy season<sup>61</sup>. While it is true that more men are doing housework than previous generations, overall women are still primarily responsible for housework and care work. In addition to care work women are also involved in paid activities, thus they suffer from the “double burden” of work. Work-life balance therefore becomes a critical area of struggle for women where they have to deal with their work responsibilities efficiently and effectively while also ensuring that their children and other family members are well catered for.

This unequal distribution of unpaid care work between women and men represents a barrier of women workers’ rights in terms of ILO Convention No. 156. Its import is to maintain equality between ‘men and women workers with responsibilities in relation to their dependent children’, and other member of the immediate family who clearly needs care or support ‘where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity’.<sup>62</sup> These needs must be taken into account in various spheres including terms and conditions of employment and community planning etc.<sup>63</sup>

Section 24(d) of the Constitution provides for ‘the implementation of measures such as family care that enable women to enjoy a real opportunity to work’, as part of objectives to guide the state and its institutions in the area of work and labour relations. While this objective is not binding on the state it is a telling provision that attempts to domesticate the ILO Convention 156 and needs to be fully implemented to attain equality between men and women workers in this regard.

### **5.3 Inadequate social security system**

As earlier stated and supported by statistics, the social security coverage in Zimbabwe is very narrow. The small percentage of people who can benefit from formal social security includes an even smaller number of women who now largely occupy the informal sector, thus making formal social security almost irrelevant to the majority of Zimbabwean women. Even when they do have wages, the wages paid are not adequate for workers to meet their immediate needs let alone save for the future thereby questioning the decency of the jobs. Social security schemes such as the one administered by the National Social Security Authority (NSSA) only apply to wage earners. Therefore professions and livelihood related handicrafts, small enterprises and

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<sup>60</sup><http://www.care.org/sites/default/files/documents/ENSURE%20Gender%20Analysis%20Zimbabwe.pdf>

<sup>61</sup><http://www.care.org/sites/default/files/documents/ENSURE%20Gender%20Analysis%20Zimbabwe.pdf>

<sup>62</sup> ILO C156, Article 1.

<sup>63</sup> ILO C156, Article 4(b) and Article 5(a).

domestic service are excluded. Social security is focused on formal social security, it covers a small percentage of people as it is urban based and almost non-existent to unemployed economically active populations. This national social security scheme has the main objective of cushioning workers against financial loss during periods of income reduction or stoppage but this scheme does not include self-employed persons and domestic workers. Domestic workers are mostly women and when they fall pregnant they are normally dismissed from work and yet they are excluded from the social security scheme.

The ILO Convention No. 102 (ILO C102) is dedicated to the provision of social security. This Convention is built on ideas that i) there is no right model for social security; ii) social security grows and evolves over time; iii) social security policies should reflect countries' social and cultural values, history, institutions and level of economic development. Furthermore, the envisaged social security covers nine areas, namely, access to medical care, sickness, unemployment, old age benefit, employment injury, family benefit, maternity benefit, invalidity benefit, and survivor's benefit. The main features of the Convention include flexibilities for progressive extension of coverage, the extent of coverage as well as the administration of schemes.

On its part Section 30 of the Constitution provides that 'the State must take all practical measures, within the limits of the resources available to it, to provide social security and social care to those who are in need'. It follows that the objective is to progressively achieve universal coverage). Therefore, there is need for social security reforms to factor in different work experiences of women and men in their design, namely, adequate consideration of maternity benefits and child benefits will go a long way towards addressing women's social security needs and act as an incentive for women to seek and stay in formal employment.

#### **5.4 Education and negative stereotypes**

In spite of binding international obligations on Zimbabwe to provide education to women and state sponsored education to the girl child, both still drop out of school and tertiary education institutions due to social, economic and cultural challenges as well as gender stereotypes. According to ILO, in education, there is gender parity in primary school level, but the gender parity decreases in upper levels<sup>64</sup>. The number women who eventually enter the formal job market are therefore very low due to the fact that fewer females complete secondary and tertiary education<sup>65</sup>. Women end up being engaged in low paying jobs and in the informal economy where decent work deficits are abound. The levels of education and vocational training those women are exposed to significantly affect their access to formal sector employment, the kind of jobs they can take and the salaries they can earn in relation to man. Education practices and curricu-

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<sup>64</sup><http://www.ilo.org/public/english/bureau/program/dwcp/download/zimbabwe2.pdf>

<sup>65</sup><http://www.ilo.org/public/english/bureau/program/dwcp/download/zimbabwe2.pdf>

la remain gender biased and girls are boxed into conventional roles. The attitude of the employer reflects that of the schools or education system. Women are regarded as unable to undertake certain jobs simply because of their gender. There is evidence though limited of employers refusing to hire women because of the potential of pregnancy and the added cost of maternal care and cover. Women are more likely to be hired as temporary or casual workers and therefore subjected to poor and uncertain working conditions.

Educational biases and attitudes mean that men dominate the skilled employment category; they are the plumbers, electricians and motor mechanics. In these sub-sectors they therefore have the skill to demand high prices for their goods and services or higher wages. Likewise men are more likely to have assets and be able to raise capital to start a business than women. Women's lack of skills and education mean that they dominate in trade and as employees in private households, hairdressing, shops and markets. The gender imbalance in employment and income earning opportunity are affected by: occupational segregation due to the culturally determined sexual division of labour, social attitudes towards women, low levels of education and training among women, lack of implementation of gender sensitive policies and approaches to improve women's representation in decision making bodies, especially in the allocation of resources.

All these challenges reflect that government should sustain efforts to improve female participation in schools and ensure that curriculum, teaching and learning materials foster a culture of gender equality. Further mechanisms that promote retention of female learners from the lowest education level should continue to be strengthened to address the challenge of ensuring greater numbers of women reach higher levels of education. In addition alternative means to infuse positive cultural values and concepts through education should be explored.

### **5.5 Discrimination prompted by maternity protection**

The maternity regime in Zimbabwe is codified in section 18 of the Labour Act.<sup>66</sup> In a nutshell, an employed woman is entitled to maternity leave, that is, at least ninety-eight days away from work on full salary and benefits – presumably to be paid by the employer. The woman ought to have served that employer for at least one year. Only three maternity periods could be enjoyed in respect of each employer and must have an interval of at least two years. Any excess leave could be granted but on without pay basis. A woman worker may take the leave not later than twenty-one (21) days before expected date of delivery. Once the worker returns to work, she is entitled to at least an hour of suckling time for a period of six months unless the suckling takes a shorter time.

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<sup>66</sup> This must be read together with section 39(3) & (4) of the Public Service Regulations (SI No. 1 of 2000).

The Constitution now provides in section 65(7) the right to fully paid maternity leave for a period of at least three months. It does not provide for internal limitations to the right as are found in the Labour Act. The above regime seeks to domesticate Article 4 of the ILO Maternity Protection Convention, 2000 (183).<sup>67</sup> Similarities between the provisions include the 14 week maternity periods, observation of pre and post-natal days, daily breaks for suckling mothers.<sup>68</sup>

Even though ILO C183 seeks to improve women work conditions by providing for maternity protection, there is discrimination on the basis of sex in employment. Women in the child bearing age are disadvantaged when it comes to securing jobs, getting promoted to senior positions and retrenchment. Some employers are wary to employ women in the child bearing age for fear that at some point they will have to take maternity leave which the employer pays for. Women who are fortunate enough to be in employment are side lined when it comes to promotions, training and responsible positions.

The standards set by the employer seem to be consistency and continuity and a woman whose performance of work is disrupted by maternity or family will not meet this standard. The employer has to pay a woman on maternity leave and from an economic point of view the employer is not happy paying someone who is absent. The law is silent on this aspect, leading to the only reasonable conclusion that the employer must pay. This renders women at times uncompetitive in the labour market. This ideology is represented in the on-going labour laws reform agenda where employers have reservations in bearing the full cost of paying for full maternity leave, failing which they could resort to options available to them.

In **Mhuriro & Others v Minister of Public Service, Labour and Social Welfare & Others**, the applicants were challenging the constitutionality of Sections 18 & 39 of the Labour Act and Public Service Regulations, respectively. The argument was that Section 65(7) of the Constitution provides for unqualified period of maternity leave yet the enabling provisions provide for limitations to the enjoyment of this right. It was further argued that limiting maternity periods to three per woman worker per employer as well as the eligibility provision requiring one year service (discriminatory against new entrants into labour market), were unconstitutional. Clearly the challenge is not free from legal difficulties even though the Government did not oppose the petition. It is trite law that government is competent to impose limitations on the exercise of rights to the extent that such limitations are fair, reasonable, necessary and justifiable in a democratic society based on “openness, justice, human dignity, equality and freedom”.<sup>69</sup> One would have expected other tripartite partners to join as friends of the court and ventilate the issue in the context of the prevailing economic and labour dynamics.

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<sup>67</sup> Zimbabwe is not party to ILO C183.

<sup>68</sup> See Article 10 of the ILO C183 on daily breaks.

<sup>69</sup> See Section 86(1) of the Constitution which is the limitation clause.

One upshot of the litigation if it succeeds would be imposition of a further burden on employers to shoulder indefinite periods of maternity leave from female workers almost all the time for as long as there are female workers of child bearing age. The inescapable result would be aggravated, serious and systematic discrimination against women in terms of employment in favour of men. Employers feel that the maternity regime already in place is onerous and other partners must contribute in view of the fact that child bearing is regarded as an element of critical service to the nation at large.

Therefore, it could be argued that instead of creating equality in employment, maternity protection in a way works against women. Child rearing is seen as interfering with the performance of women as they often go to work late and constantly ask for time off to attend to the baby or look for baby minders. Such women are then viewed as unreliable. Some women who are permanent employees in the private sector such as commercial workers in retail stores and those in hair salons are denied maternity rights. This is mainly because they do not have contracts of employment and often are not knowledgeable enough to claim their rights. Hairdressers suffer a complete income stoppage and therefore have to come back to work at the earliest possible moment.

Women in the informal sector also do not benefit from maternity leave at all because taking time off is directly linked to the income that they make in a day. The challenges of child care and lack of day care centers are compounded for the women who are the informal sector and often their children spend the day in the streets with their working mothers. Notwithstanding the existence of labour representation by some workers organisations for the informal sector, and attempts to formalise the informal sector by the Ministry of Small and Medium Enterprises, it is still a long way before rights of women in the informal sector are adequately protected to the level of those in formal employment.

## **5.6 Rights of domestic workers**

Though largely an urban phenomenon, domestic work is prevalent in Zimbabwe. It is dominated by women as a result of the culmination of many reasons such as gender stereotyping that matches the nature of domestic chores more to women than men, historical discrimination in accessing education based on culture.

For many years, domestic workers in Zimbabwe have endured unfair labour practices and worked long hours for paltry salaries. Such has been the level of abuse that over the years domestic workers have been variously referred to as “garden boys” or “house girls”. Domestic workers are often taken for granted. Society views them as uneducated and under qualified workers who can be hired and fired at will and not entitled to benefits such as maternity leave and in some cases not even off-days. Domestic workers are often without formal contracts hence their exposure to unfair and illegal labour practices including excessive hours of work,

unpaid overtime, and sexual harassment, verbal and in some cases physical abuse. Lack of access to employer sponsored medical care or social security is a given.

“Domestic worker” is a term that has been defined by the ILO in the Convention concerning decent work for domestic workers, 2011 (No. 189)<sup>70</sup> as “any person engaged in domestic work within an employment relationship”.<sup>71</sup> On its part domestic work amounts to “work performed in or for a household or households”.<sup>72</sup> This work may include tasks such as cleaning the house, cooking, washing and ironing clothes, taking care of children, or elderly or sick members of a family, gardening, guarding the house, driving for the family, even taking care of household pets.

Basic rights of domestic workers protected by the ILO C189 include promotion and protection of the human rights of all domestic workers; respect and protection of fundamental principles and rights at work (freedom of association and the effective recognition of the right to collective bargaining; elimination of all forms of forced or compulsory labour; abolition of child labour; and elimination of discrimination in respect of employment and occupation);<sup>73</sup> effective protection against all forms of abuse, harassment and violence; and fair terms of employment and decent living conditions;<sup>74</sup> occupational health; access to social security including maternity leave; dispute settlement procedures etc.

At national level, while domestic workers also benefit from the general menu of labour legislation including Sections 24, 30 and 65 of the Constitution, they derive much benefit from the Labour (Domestic Workers) Employment Regulations, 1992,<sup>75</sup> a piece of legislation enabled by Section 17 of the Labour Act. This legislation provides for the scope of the domestic employment contract including the grading system, among other things. It went at least six amendments mainly to review minimum wages for domestic work and to provide for specific benefits especially for non-resident workers. The last amendment in the form of Statutory Instrument No. 126/2011 was critical in that it included a schedule that deals with terms of maternity leave in the domestic work context. Accordingly, domestic workers are entitled to maternity leave on more or less equal terms with the rest of the workers.

It is important to note that the 1992 Regulations pre-existed the ILO C189. Nevertheless, they already incorporated some standards now in the ILO Convention such as contract system, grades and dispute settlement. However, it appears the 2011 Amendment was a response to

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<sup>70</sup> Zimbabwe is not yet a state party to this Convention.

<sup>71</sup> Article 1 of the ILO C189.

<sup>72</sup> As above.

<sup>73</sup> ILO C189, Articles 3, 4, 11.

<sup>74</sup> ILO C189, Article 6.

<sup>75</sup> Enacted as Statutory Instrument No. 377/1992.

the ILO C189 to the extent that it rolled out maternity cover to domestic workers. Further, the social partnership also responded by the establishment of the Zimbabwe Domestic & Allied Workers Union (ZIDAWU), an affiliate to mainstream workers' organisations, to ensure organization of domestic workers for purposes of collective bargaining and training. Although ZIDAWU clearly faces teething problems, supported by the law and commitment of social partners, the future of work for domestic women can only improve.

### **5.7 Lack of child care facilities**

ILO C156 as read with Section 24(d) of the Constitution provide for women workers' right to equality with men, in terms of having their needs considered in the terms and conditions of employment where such women have responsibilities to care of children or other members of the family who need their care. Yet there appears to be no supporting environment for women in both the formal and informal sector areas when it comes to child care during formal working hours. There are no ante - natal facilities at work places designed for pregnant women and small children. The private day care centers in the country are either very expensive or inconveniently located away from workplaces. In that regard they cater for a small section of the population who can afford the service and those residing in the vicinity.

While the issue of day care centers is a global phenomenon that must be embraced, there are perspectives that it is a costly venture that is destined to fail in a struggling economy such as Zimbabwe. There are also concerns as to who must bear the burden to support such initiatives. Hopeful sentiments suggest pilot or trial runs so as to assess the feasibility of such an initiative in Zimbabwe. However, there is no doubt that if implemented, day care centers would bring significant positive changes to the situation of women in the workplace. They would be able to effectively utilise breaks and to focus on work without worrying about those who require their care during office hours.

### **5.8 The plight of women in rural areas**

In 2012, the total population of the country was 12 973 808. There were 6 738 877 females and 6 234 931 males as shown.<sup>76</sup> The proportion of the male and female population was 48 percent and 52 percent, respectively. According to the 2012 Census, about 33 percent of the population was in the urban areas with rural areas accounting for the remaining 67 percent. The distribution of population by sector/land use type showed that more than half the population was in communal lands and resettlement areas.<sup>77</sup> There were relatively more females than males in communal lands, urban council areas, growth points and administrative centers. From the 2011 LFCLS, 48 percent of the population lived in communal areas of whom 53 percent were females.

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<sup>76</sup> Zimstat, Men and Women Report (2012) p1.

<sup>77</sup> Zimstat, National Census Report (2012), p25.

The dominance of women in communal areas can be explained by the migration of males to work in towns, while women are left to look after homesteads and the children.<sup>78</sup>

There are various challenges that women in the rural areas face and these emanate from negative cultural, social and religious contexts. Restrictive traditional laws that inhibit women's rights to inherit, own land or own property in many cases have negative implications on women's economic empowerment. Women have to rely on their husbands or the male keen to make decisions, work on land and earn a living from there. Household headship is considered important in the context of decision making between males and females. The head of household is responsible for the day to day running of the household and is involved in all decision making processes, with or without the involvement of other household members. The 2011 LFS revealed that males head about 65 percent of households in the country while females head 35 percent. The proportion of heads of households is larger for males in all other age groups, except for the 12 to 14 year age group, where 66 percent of the households are headed by females

Women in rural areas are also disproportionately burdened with care work for children, the elderly and the sick. In addition women spend many hours doing house work which includes household chores such as fetching water, firewood and cooking. The amount of time that women spend on these chores and care giving responsibilities robs them of productive time that they could otherwise use on productive paid work. There is therefore urgent need as we vision for the future to redistribute care work and ensure that women's work in the household is recognised as productive work and an important contribution to economic activity in the country. Infrastructural challenges currently hamper women's productivity in Zimbabwe.

There is resultant need to build up infrastructure in terms of public institutions such as health care facilities as well as addressing the issue of service delivery in efforts to promote women's rights and harness women as a key human resource for development. According to the 2008 National Health Profile, 189 hospital-based maternal deaths occurred and were reported. Hemorrhage constituted 15% of all the deaths while puerperal sepsis constituted 13%. Most of the major causes of maternal mortality recorded in health facilities are preventable with good access to health care services.<sup>79</sup> The 2011 LFS showed that about eight percent (9 percent males and 8 percent females) of the population was benefiting from medical insurance. For the population aged 15 years and above, about nine percent was covered by medical insurance, of which 10 percent were males and 8 percent females. This goes to show the low levels of access to social security by women who need it when pregnant.

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<sup>78</sup> Zimstat, Men and Women Report (2012) p4.

<sup>79</sup> Zimstat, Men and Women Report (2012) p15.

## **6. GOVERNANCE AND WORK**

### **6.1 Introduction**

The socio-economic context of women remains concentrated in “invisible” areas of informal work, such as domestic labour, piece-rate homework, and assistance in small family enterprises, which offer precarious employment status, low, irregular or no remuneration, little or no access to social security or protection, and limited ability to organize to ensure the enforcement of international labour standards and workers’ human rights.<sup>80</sup> In Zimbabwe there is need for policy review, reform of negative practices and alignment of some laws to ensure that the future of women fully represents principles of gender equality.

### **6.2 Zimbabwe response to international labour standards**

Zimbabwe ratified twenty-six (26) ILO Conventions,<sup>81</sup> including all eight (8) core conventions and the four (4) governance conventions, which must be implemented. The state also has an obligation to uphold the principles enshrined in the 1998 Declaration on Fundamental Principles and Rights at Work, which encourages ILO member states to respect the eight core Conventions, with or without ratification and to submit periodic reports.<sup>82</sup> ILO Conventions place an obligation on the government to respect, fulfil and refrain from violating the socio-economic rights of men and women in respect of decent and fair working conditions. These Conventions set minimum standards of application and governments are expected to report on the progress of their implementation.<sup>83</sup> Under Zimbabwean law, ILO Conventions do not automatically become part of the national law. For this to occur they have to be domesticated through an Act of Parliament.<sup>84</sup> However, these Conventions have still had a significant influence on national labour legislation.

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<sup>80</sup> Sylvia Chant, Carolyn Pedwell, (2008). Women, gender and the informal economy: An assessment of ILO research and suggested ways forward; International Labour Office. – Geneva: ILO

<sup>81</sup> [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200\\_COUNTRY\\_ID:103183](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103183) accessed 28 May 2016.

<sup>82</sup> [http://www.claiminghumanrights.org/\\_ilo.html](http://www.claiminghumanrights.org/_ilo.html)

<sup>83</sup> <http://www.ilo.org/declaration/lang--en/index.htm>

<sup>84</sup> [http://adapt.it/adapt-indice-a-z/wp-content/uploads/2014/08/mariwo\\_working\\_condition.pdf](http://adapt.it/adapt-indice-a-z/wp-content/uploads/2014/08/mariwo_working_condition.pdf)

The international instruments that are pertinent to women workers' rights are the ILO conventions C100, C111, C156, C189 and the Convention on the Elimination of Discrimination against Women (CEDAW), the African Charter on Human and People's Rights (ACHPR) and the Protocol to the African Charter of Human and Peoples' Rights on the Rights of Women in Africa (Women's Protocol). CEDAW in Article 11(2) provides for maternity leave and non-discrimination on the basis of maternity leave. Article 16(1) (d) of the same convention is also pertinent and provides for the same rights and responsibilities for men and women as parents irrespective of their marital status in matters relating to their children. In 1995, 126 member States including Zimbabwe had ratified the Equal Remuneration Convention, 1951 (No. 100) and 122 had ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). ILO C111 concerns discrimination in Respect of Employment and Occupation and provides in Article 1(b) a comprehensive definition of the "discrimination" and calls upon states to put in place measures to eliminate gender discrimination. Zimbabwe has also signed ILO C156 (Workers with Family Responsibilities Convention, 1981) which applies to men and women workers with responsibilities in relation to their dependent children or to other members of their immediate family who clearly need their care and support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing or advancing in economic activity.<sup>85</sup> Zimbabwe has not ratified this important instrument in terms of the requirements of the Constitution therefore this makes it a challenge for women to claim their rights under this convention since they are the ones most affected by family responsibilities. Zimbabwe's commitments to women's rights in the workplace at the international level have not always translated to positive outcomes for women in terms of gender equality and non - discrimination.

### **6.3 Observations and comments of the Committee of Experts Application of Conventions and Recommendations (CEACR) on Zimbabwe**

The CEACR has made a number of observations and comments on Zimbabwe regarding various gender equality issues. In relation to ILO C100 & C111, in 2004, the CEACR made an observation on the principle of 'equal pay for equal work'. The Committee noted 'with satisfaction the adoption of the Act to amend the Labour Relations Act (Chapter 28:1)' which for the first time legislatively required equal remuneration for men and women for work of equal value.<sup>86</sup>

In 2006, the CEACR made a Direct Request to the government of Zimbabwe to provide information on the issues of Equality of opportunity and treatment of men and women, especially

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<sup>85</sup> Article 1(1) and (2).

<sup>86</sup> Observation (CEACR) - adopted 2004, published 93rd ILC session (2005) *Equal Remuneration Convention, 1951 (No. 100) - Zimbabwe (Ratification: 1989)*. Available at: [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:PI3100\\_COMENT\\_ID,P11110\\_COUNT\\_RY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:2236079,103183,Zimbabwe,2004](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:PI3100_COMENT_ID,P11110_COUNT_RY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2236079,103183,Zimbabwe,2004).

on the measures taken in pursuance to the National Gender Policy.<sup>87</sup> The CEACR had noted that from the statistical information available to it concerning the distribution of men and women in the grades in the public service that women remain seriously under-represented in higher grades. Therefore, the Committee requested the 'Government to provide information on the progress made in achieving a balanced representation of men and women at all levels of the public service, including statistical information that allows the Committee to appreciate the progress made in achieving gender equality'.

Yet again in 2007, workers organisations raised concerns regarding discrimination against women in access to certain benefits, including maternity leave, particularly as many women are contract workers, seasonal workers and domestic workers. The CEACR noted the Government's indication that with respect to maternity benefits for public servants, the Public Service Act was being amended to be brought into conformity with international labour standards. Now Section 39 of the Public Service Regulations and the Fourth Schedule to Statutory Instrument 126/2011 provide for maternity leave, presumably in response to the concerns raised by the CEACR.

The adoption of the 2013 Constitution triggered the CEACR to adopt an Observation in relation to ILO C111 relating to equality of opportunity and treatment between women and men in employment and occupation.<sup>88</sup> In particular, the CEACR took keen interest in the provisions regarding equality of opportunity and treatment between men and women (Sections 17(1)(a), 56(2) and 80(1)), equal representation of women and men in governmental bodies (Sections 17(1)(b) and 124(1)(b)), affirmative measures to address historical gender discrimination and imbalances (Section 17(2)), affirmative action programmes for youth, and vocational guidance, education and training of persons with disabilities (Sections 20(1)(c) and 24(2)(c)), equality provisions and the open-ended list of prohibited grounds of discrimination (Section 56(3)), and the duty on the State to promote equality and protect or advance those who historically disadvantaged by unfair discrimination (Section 56(6)).

The above sample of observations made on Zimbabwe by the CEACR reflects a progressive dialogue between Government of Zimbabwe and the ILO standards supervisory bodies. Although not apparent in many cases, the constructive dialogue has resulted in notable progress in terms of improving the situation of women at work. A continued dialogue of this nature would ensure a steady progress in achieving a positive future of work for women where conditions of employment are in line with international standards and further cutting the equality gap that has persisted.

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<sup>87</sup> Direct Request (CEACR) - adopted 2006, published 96th ILC session (2007) *Discrimination (Employment and Occupation) Convention, 1958 (No. 111)*.

<sup>88</sup> Observation (CEACR) - adopted 2014, published 104th ILC session (2015) *Discrimination (Employment and Occupation) Convention, 1958 (No. 111)*.

#### 6.4 The legal framework

The Constitution is the supreme law of Zimbabwe and any law, practice, custom and conduct inconsistent with it is invalid to the extent of the inconsistency.<sup>89</sup> Therefore, the alignment of laws with the Constitution is imperative and the ministries and Parliament have an obligation to ensure that it takes place. The supremacy of the Constitution is important for gender equality because customs, laws and policies are often interpreted to perpetuate discrimination or suppress the rights of women. Section 80 on the Rights of Women states that women should have equal opportunities to men in political, economic and social activities; and that “all laws, customs, traditions and cultural practices that infringe the rights of women conferred by this Constitution are void to the extent of infringement.” This is a progressive provision which effectively removes the claw back clause in the former Constitution’s Section 23, (3) (b) which protected the application of customary law and provided for discrimination in matters of personal matters and customary law. That provision which allowed gender discrimination in one sphere of life, such as customary law, promoted the perception of women’s inferiority and created a psychological basis for their discrimination in employment, even though in a hidden form.

The government is faced with two obligations, first ensuring the conformity of all existing statutes with the Constitution, and second operationalizing the new institutions required by the Constitution.<sup>90</sup> It is a serious violation of the Constitution to continue having invalid laws in our statute books. Section 327 of the Constitution provides that international law, must be domesticated before it becomes binding in Zimbabwe. The Constitution also specifically states that customary international law is part of the law of Zimbabwe to the extent that it is consistent with the constitution or an Act of Parliament.<sup>91</sup> This implies that any international labour standard which has assumed the force of international customary law has automatic application in Zimbabwe for as long as it is not in conflict with any provision of the constitution or legislation or judicial precedent. The Constitution also specifically requires Zimbabwe to domesticate all international conventions, treaties and agreements to which Zimbabwe is a party to.<sup>92</sup>

This obligation emanates from the fact that the Constitution retains the dualist theory which requires international conventions and treaties to be ratified and domesticated as opposed to their automatic incorporation<sup>93</sup>. Section 46 of the Constitution makes it mandatory for the Courts, tribunals or forums to take into account international law and all treaties and conventions to which Zimbabwe is a party to when interpreting the declaration of rights. International

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<sup>89</sup> Section 2, Constitutional Amendment 20 of 2013.

<sup>90</sup> D. Matyszak, *Reluctant reformers: Legislative Misalignment and the new Constitution*. RAU (2016), available on <http://researchandadvocacyunit.org/publication/governance-programme-55>.

<sup>91</sup> Section 326.

<sup>92</sup> Section 34 Constitutional Amendment 20 of 2013.

<sup>93</sup> Section 327 Constitutional Amendment 20 of 2013.

labour standards may only be excluded when the litigants or the court or other tribunal considering a matter neglects to make use of these standards in the matters at hand. Section 34 of the Constitution obliges the state to domesticate all pieces of international law which Zimbabwe is party, the challenge with this national objective is that it does not put a time frame between ratification and when domestication obligation must kick in, and requires the political will of the state for it to be enforced.

The Constitution provides a strong legal framework for advancing gender equality, women's rights and women's empowerment. The language and provisions of the Constitution obligate the state to ensure that women and girls access their rights, entitlements and opportunities as citizens. The gender equality and women's rights provisions in the Constitution align with the international and regional agreements on the rights of women that Zimbabwean legislators have signed and ratified. The national objectives particularly contain various provisions that speak to issues of gender equality. Section 17 relates to gender balance and calls upon the state to promote “full participation of women in all spheres of Zimbabwean society on the basis of equality with men”.<sup>94</sup> In addition, the objective proceeds to say that the State must take measures, including legislation, to ensure that there is equal representation of men and women in all state institutions and agencies and at all levels.<sup>95</sup> The objective also categorically states that in constitutional commissions and other bodies created by the Constitution or any act of Parliament, there must be 50% representation by women.<sup>96</sup> This is a very progressive provision, which not only provides for gender balance but proceeds to stipulate how that balance is to be achieved. The provision also takes a bold step in dealing with past gender discrimination and imbalances as a result of past practices and policies.<sup>97</sup> This component of the objective is in line with international customary law practices, which indicate the need to take into account past discrimination and imbalance and address it when creating new gender sensitive laws, policies or frameworks.

The Constitution promotes productive employment opportunities and some of the relevant sections include section 14, 24, and 54 of the Constitution. Section 14 deals with empowerment and employment creation. Section 14(2) particularly provides for the creation of employment for all persons, especially women and the youth. This is in recognition of the challenges that women and youth face in accessing employment opportunities. All institutions of government are called upon to implement affirmative action measures to empower marginalized groups and this is provision which has benefited women in the workplace in some instances. Section 13 provides for the promotion of measures to foster agricultural, commercial, industrial, techno-

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<sup>94</sup> Section 17(1) (a) Constitutional Amendment 20 of 2013.

<sup>95</sup> Section 17(1) (b) (i) Constitutional Amendment 20 of 2013.

<sup>96</sup> Section 17 (1) (b) (ii) Constitutional Amendment 20 of 2013.

<sup>97</sup> Section 17 (2) Constitutional Amendment 20 of 2013.

logical and scientific development.<sup>98</sup> Section 13 (3) clearly states that these measures, “must protect and enhance the rights of people, particularly women to equal opportunities in development”. This provision is in line with the sustainable development goal five which is on achieving gender equality and empowering all women and girls.

Section 24 also calls upon government to provide everyone with an opportunity to work in a freely chosen activity, for women it particularly urges the state to put in place implementation of measures such as family care that enable women to enjoy a real opportunity to work. The section addresses the role that women play both in working and raising a family.<sup>99</sup> This is important for gender equality as it points to the need to address measures that enable mothers to work, such as workplace child care policies and programmes. The drawback here is that the state should do this within the limits of available resources. Section 54 of the Constitution prohibits slavery or servitude. This provision ensures that women workers receive compensation for their services in the workplace. This provision compels employers to pay for services rendered and therefore promotes the existence of paid labour. Section 56 (6) recognises the use of special measures to break through the inequalities that hinder the advancement of women. It also cites affirmative action as a method to right past wrongs.

Section 289 which provides for principles to governance policy on agricultural land specifies gender balance as a core principle in the allocation and distribution of land.<sup>100</sup> This is an important provision that offers protection of women’s land rights considering that most women are in the rural economy in Zimbabwe and rely on land as a source of livelihood. Despite laws aimed at enhancing women's rights and countering certain discriminatory traditional practices that hinder women’s access to resources and land has remained a challenge disadvantaged women in society. Economic dependency and prevailing social norms prevented rural women in particular from combating societal discrimination therefore it is of paramount importance that this provision be implemented to improve the status of women and work in the agricultural sector. Important to note is the fact that this section also directly relates to SDG 5.a which calls upon states to undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.<sup>101</sup>

Chapter 9 of the Constitution basic principles and values that govern public administration are articulated in particular section 194 (1) (d) provides for impartial, equitable and fair provision of services while Section 194(1) (k) states that employment, training and advancement practices

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<sup>98</sup> Section 13(1)(b) and (c)

<sup>99</sup> Section 24(2)(d)

<sup>100</sup> Section 289(c)

<sup>101</sup> Available on <https://sustainabledevelopment.un.org/topics/women/decisions> accessed on 22 June 2016.

must be based on merit, ability, objectivity, fairness, the equality of men and women and the inclusion of person with disabilities.

The Constitution has reinforced the state's commitment to provide social security as part of the human rights agenda. Section 30 states that, "the state must take all practical measures...to provide social security and social care to those who are in need. While the right to health care is provided for in Section 76 and articulates the right of every Zimbabwean to have basic access to basic health care services, including reproductive health care services. However, like many other provisions on economic, social and cultural rights, this provision is subject to the internal limitations of availability of resources and progressive realisation. Section 58 of the Constitution guarantees freedom of association and assembly, including the right to form or belong to trade unions of one's choice. This provision creates opportunities for organised labour and is gender neutral. Organised labour has allowed women in the past to advocate for better working conditions.

The specific sections addressing the right to work are found in Sections 64 and 65 of the Constitution. Section 64 guarantees the right to work in one's chosen profession. Section 65 provides for the protection of workers' rights and the provisions related to gender equality are in Section 65(6) providing for equal pay and Section 65(7) on the right to fully paid maternity leave for at least three months.

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### **6.5 The Labour Act (Chapter 28:01) as emended in 2016**

The Labour Relations Act (Chapter 28:01) was regarded as a comprehensive code of regulating issues such as employment, remuneration, collective bargaining, dispute settlement, registration of trade unions and employers' organisations. It incorporated some of the provisions contained in the ICA and most aspects of post-independence legislation that covered minimum wages, various conditions of employment and dismissal.

It replaced the Labour Relations Act. This piece of legislation must be given the prominence it deserves in that it is the principal legislation that regulates labour relations and other matters integral to the employment contract. However, with increasing informalisation of labour, a huge work force has been removed from its cover thereby becoming a bit irrelevant.

Section 5 of the Act prohibits discrimination on the basis of inters alia, race, tribe, political origin and sex. This provision also prohibited an employer from discriminating, inter alia on the grounds of sex in relation to advertisement for employment; recruitment for employment; creation or abolition of jobs or posts; determination or allocation of wages or other benefits; selection of persons for jobs, training, transfer or promotion; provisions of facilities related to or concerned with employment and any other matter related to employment.

Under Section 5(2a), which provision enforces the principle of equal pay for equal work between men and women, it is an offence to contravene this principle with punishment of a prison term but with an option for a fine or both. A victim of such discrimination may be awarded damages or an interdict that the person responsible for discrimination rectifies the act. However, there is resistance on the ground regarding the option for damages in respect of acts related to gender discrimination at work. It is argued that such option provides a temporary and therefore ineffective remedy to the employee where she has lost her job. Rather, the remedy must be damages plus extension of the benefit from which one had been discriminated against. That way, jobs are saved and conduct is sufficiently punished.

Subsection 7 provides for affirmative actions or measures not amounting to gender discrimination such as policies designed for the benefit of historically disadvantaged persons, to which group women fall without debate, while Section 5(8) literally takes away all conceivable defenses that could have been open to the person responsible for discrimination.

### **6.8 Sexual harassment amounts to unfair labour practice**

Sexual harassment is an unfair labour practice if a person demands from any employee or prospective employee any sexual favour as a condition to recruitment, promotion, review of remuneration, or creation, classification or abolition of posts or choice of persons for benefits or not to benefit from employment related incentives, or any other issues related to employment. Worse still the law prohibits engaging in unwelcome sexually-determined behaviour towards any employee, whether verbal or otherwise, such as making physical contact or advances, sexually coloured remarks, or displaying pornographic materials in the workplace.<sup>102</sup>

Surprisingly the Labour Act neither addresses nor defines 'sexual harassment', a practice that continues to plague the workplace notwithstanding longstanding interventions by government and non-state actors to bring an end to it. It is precisely for this reason that legislation has generally been found wanting in addressing sexual harassment at work. The law needs to call it by its name. Other concerns regarded the narrow approach to sexual harassment. Certain acts are difficult to classify due to the vagueness of the provision that sanctions against the conduct.

The same provision also deals with the common practice of 'carpet interviews' for purposes of recruitment or advancing employment related incentives including being used as criteria to determine employees that fall to retrenchment. It is important to note that while the practice of asking for sexual favours usually affects women, both men and women can be victims. Sexual harassment also broadly acts as a barrier to women's access to employment.

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<sup>102</sup> See Section 8(h) of the Labour Act.

## 6.9 Maternity and other kinds of leave

As already mentioned before, Section 65(7) of the Constitution as read together with other subsidiary provisions enshrines the right of women to ‘fully paid maternity leave for a period of at least three months’. The corresponding Labour Act provision pre-existing the Constitution is Section 18, which raises various issues that impact on the discrimination of women on the basis of their biological function of child bearing.

First, the Constitution does not have internal limitations inserted in section 65. This means rights in this section may only be limited in terms of the general limitation provision in section 86 of the Constitution, that is, ‘by a law of general application and to the extent that the limitation is fair, reasonable, necessary, and justifiable in a democratic society based on openness, justice, human dignity, equality, and freedom’.<sup>103</sup> The question therefore is whether section 18 is such a law and that it is not discriminatory in its form and effect.

Second, section 18(1) provides that this leave shall be ‘for a period of ninety-eight days on full pay to a female employee who has served for at least one year’. The period seems consistent with the Constitution which provides for ‘at least three months’ in that ninety-eight days are more than three months. However, it puts a rider to say such leave is extended to those employees who have served for at least twelve months. This eligibility criteria, taken together with the requirement that she may only have three opportunities for such leave for an entire service,<sup>104</sup> has been criticized for intruding into reproductive rights of women. Why should the law prescribe the number of births allowed per single employer when a woman is performing a national function?

Third, both provisions (Constitution and Labour Act) do not specify the party to pay for maternity, nor does it necessarily follow that the employer pays? This seems to be the default meaning of the law. Practice on the ground is not helpful because in some cases employers paid in full or in part or not at all. Many women in precarious employment due to limited jobs often go without payment grateful that they are not replaced while on leave. Must we read more into the requirement of twelve months of service as condition precedent to eligibility? Employers have raised the issue and suggested that the state must pay for the leave since the woman is on playing a public role of child bearing. The state insists that there should be a fund for this but the social security arrangement in place cannot fully finance this fund. Should there be established another fund? Workers representative complain that workers are already burdened by the AIDS and other levies.

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<sup>103</sup> Rights may only be limited by law and that law must be of general application (applicable to everyone without being arbitrary or selective).

<sup>104</sup> See Section 18(3) of the Labour Act.

In 'retaliation', employers have been blamed for striking back by either unlawfully sending pregnant away on leave without pay or benefits, or replace them as they are gone, or simply discriminate against women applicants at the point of recruitment by preferring men or older women where the inherent nature of the job requires female gender. Such a practice would be extremely difficult to prove unfair labour practice or discrimination on the basis of gender. These issues need further probing.

Fourth, section 18(8) entitles a nursing worker to an hour to attend to this role. This is a progressive provision on its face. However, due to absence of day care centers that is within the precincts of workplaces, most of the time the women cannot make it home and back within the time allowed for such purpose even combined with such other breaks like lunch or tea break. Further, subsection ten allows the employer to withhold 'suckling time' should the 'exigencies of her employment' require avoiding 'disruption of normal production processes or any interference with the efficient running of an undertaking or industry'. Such withdrawal would amount to unfair labour practice. This is clearly contentious. The concept of paternity leave should be promoted in Zimbabwe to ensure that men become active participants in the child caring role at an early stage, this sharing of burden would benefit society as a whole. Paternity leave removes the stigma associated with women of childbearing years in the workforce. Paternity leave can therefore be used as a tool for advocating for gender equality.

#### **6.10 Public Service Act (Chapter 16:04)**

Section 18 of the Public Service Act requires that there be no discrimination on the basis of gender when either appointing or promoting employees in the Public Service.

#### **6.11 Pension and Provident Funds Act (Chapter 24:09)**

The concept of continuous service provided for in the Act is detrimental to women workers' rights. In general, the minimum period required for one to get benefits under the scheme is five years of continuous service. Therefore (i) part-time workers (many of whom may be women) require a much longer period to qualify for benefits under the scheme and (ii) workers who have to change jobs from time to time may not easily qualify for benefits. In the current economic climate where employers are no longer giving workers permanent contracts or fixed contracts many challenges arise. In a way this legislation has no significance to those in the informal sector which is dominated by women.

## 7. DISCUSSION THOUGHTS ON THE FUTURE OF WORK FOR WOMEN IN ZIMBABWE

*“Promoting decent jobs for women is imperative, now and for the next generation... It is a matter of rights and what is right for women and for sustainable development.”* Guy Ryder - ILO Director.

### 7.1 Future of women at work

#### 7.1.1 Introduction

Having given a general overview on a number of issues, the following are discussion points to stimulate further prodding of issues related to the future of work for women in Zimbabwe. This is a combination of views on the trajectory work will take in the future in respect of women in Zimbabwe in the context of gender equality on one hand, and an account of some strategies to achieve the desired gender transformation. To satisfy the imperatives of a discussion document, these issues are discussed but deliberately left open ended as tentacles of further discussions.

Work is becoming less stable, less secure and less predictable, with potentially serious implications for the future of women at work. Half of women are employed globally and their wages are about 60 to 75% of what men earn, in addition to their domestic responsibilities.

**Under-representation in senior positions are two other prominent issues to tackle.** Recent research shows that if women participated in the economy identically to men, this would add up to US\$28 trillion, or 26 per cent, of annual global GDP in 2025. This financial projection alone should provide impetus to ensure that more women access the world of work and decent jobs.. Companies greatly benefit from increasing leadership opportunities for women, which is shown to increase organizational effectiveness. It is estimated that companies with three or more women in senior management functions score higher in all dimensions of organizational effectiveness. In this context, the ILO has launched the Women at Work centenary initiative, alongside the Future of Work centenary initiative.

Growing inequalities, the need to accelerate progress on gender equality, and the overwhelming need for decent jobs are issues that government should reflect on and come up with concrete strategies to address the challenges in the workplace. It has been argued that there has been an increase in national gender equality policies, and the adoption of more innovative legislation addressing gender, along with other types of discrimination put in place by states. The number of countries ratifying the relevant ILO conventions has also increased by about 50 per cent since 1995. But implementation remains a real concern despite the various legal and policy initiatives. Gender inequality and issues affecting women in the workplace have largely remained firmly in place with small victories being recorded here and there.

The key question for Zimbabwe is therefore what will the future of work and women's work look like? Is the situation of women at work going to improve or worsen? However, the number of women will continue to increase in the workforce but will they be populated in decent jobs where they will be paid decent wages for work done. Women will continue to have primary responsibility for home and family matters, thus affecting work attendance negatively. Unlike other developed countries where the concepts of tele-commuting and job sharing are gaining traction these concepts will not gain traction at a fast rate because of the economic and social dynamics that prevail in the country.

### **7.1.2 Issues to be addressed to improve gender equality in future**

#### ***Women's education, skills training and employment***

A case is made to empower women and girls through appropriate capacity building so as to adequately prepare them for employment, be it formal or informal. The objective is to ensure they then aim high in terms of desired posts. The fewer women are empowered through education the lower will be the career target resulting in high uptake of precarious jobs at the bottom of 'employment food chain'. This perpetuates susceptibility to layoffs.

On its part the Government of Zimbabwe has made strides in promoting gender equality although such strides are not apparent within government structures. While there have been measures to increase enrolment of the girl child, in primary, secondary and the tertiary level there still exists a disparity in terms of the number of girls in school. The disparities are existent at secondary level and become wider at tertiary and university level. The girl child in rural areas faces peculiar vulnerabilities such as risk of rape on the way to school coupled with the additional burden of having to do house work before and after school. The government should however still be commended for the efforts it continues to make through affirmative action and other measures to promote gender equality. The basic education assistance module (BEAM) a government-led programme that aims to ensure access to quality education for orphans and vulnerable children in the country should continue to be supported as it has benefited many vulnerable girls who would otherwise not be in school.

Accelerating efforts to address challenges in the education sector is critical because educated women will contribute positively to the economy and their homes. Research reveals that there is a strongly positive relationship between education and women's vocational participation and occupational attainment. The more education a woman receives, the more likely she is to work outside the home, to enjoy her work, and to advance on the job even though at times they may fail to translate their education into the same financial and status benefits that are available to men. As long as women are not educated and capacitated with critical vocational skills they will remain marginalised and will continue to participate in the low wage paying jobs as unskilled labour.

Unemployment of youth has a gendered dimension, in the 2012 population census data youth aged between 15-34 years constitute 84% of unemployed and those between 15-24 constitute 55% of unemployed. However, it is critical to note that there are higher levels of unemployment among female youths despite there being more females than males in the population. One of the key challenges faced by the female youth is lack of skills to enter the market in particular the fact that there is a mismatch between technology in institutions of learning and industry, mismatch between what is needed in the industry or labor market and the skills being developed in the training system lastly the economy is unable to absorb all school leavers and graduates.

The design of skills and training modules (curriculum development) in educational institutions is critical the state has to carefully think about the following questions: what skills and attitudes do future women workers need to learn to enable them to be more productive in employment? How should the relevant work skills and attitudes be taught? In the words of one of the key informants 'appropriate education will allow women to enter the right profession and negotiate for better working conditions and pay.'

In addition it is imperative to review the challenges faced by the tertiary research environment which remains replete with challenges as universities in the country are predominantly teaching institutions rather than research institutions. Africa produces less than 1 per cent of the total quantity of research produced worldwide, putting the continent at the very bottom of all the global regions. Improvements in research will positively impact on the skills of the workforce and innovations for the future which can contribute to the creation of better jobs. Vocational education and training is a viable response to creating second chance opportunities and addressing the challenge of creating appropriate skills for the labour market. Zimbabwe has been conducting policy dialogue on Technical Vocational Education and Training (TVET). The 2011 (LFCLS) showed that 91% of the population employed in the informal sector had no skills. The current Technical, Vocational, Education Training (TVET) system is inadequate to meet the skills training and employment needs of the young people<sup>105</sup>.

The national employment policy framework of Zimbabwe is aimed at promoting an employment and gender-sensitive national and local budget framework. One of its strategies is the restructuring of Technical Vocational Education and training (TVET) systems to promoting gender equality and equity in access to TVET and de stigmatising courses available to girls and boys. There by increasing the employability of females and their participation in the labour market. Further given the importance of science and technology as core knowledge for innovation

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<sup>105</sup>[http://www.adeanet.org/min\\_conf\\_youth\\_skills\\_employment/sites/default/files/u24/Zimbabwe%20Country%20Report\\_0.pdf](http://www.adeanet.org/min_conf_youth_skills_employment/sites/default/files/u24/Zimbabwe%20Country%20Report_0.pdf)

based economies, it is critical that the teaching and learning of these subjects is of a high quality. Other key issues that need to be addressed pertain to the mismatch between the skills being developed by the training system and what is needed in the labour market, the mismatch between the technology used in institutions of learning and industry and the general economic decline that has affected the labour absorption capacity of industry.

### ***Women and migration in search of work***

It is not being over-ambitious to predict that the future of work also points to women migrating to other countries for employment opportunities. This is an upshot of the economic situation in the country where employment creation is staggering to a halt. Zimbabwean media has been awash with reports of Zimbabwean women being trafficked to Kuwait and other countries. Many women are being lured by the agents or traffickers because they are desperate for jobs and opportunities for a future. The most affected women are the poor and those who have limited opportunities of getting decent jobs in the country as a result of the harsh economic conditions that are currently prevailing in the country. One of the critical issues therefore that government has to address is the creation of decent jobs for women in Zimbabwe. Many key informants suggested that as long as women remain desperate for jobs trafficking of women may continue.

Internally women will continue to migrate from the rural areas to the urban areas in search of work and a livelihood. To their dismay they will be confronted with precarious jobs such as prostitution, domestic work with endless working hours or vending on the streets. In the rural areas older women will be burdened by work since the young women would have migrated to urban areas in search of work. Zimbabwe is currently experiencing a drought therefore millions of people's food security and livelihoods have been threatened. As a response to this many rural folks come to urban areas to seek employment. As the government reflects on the future of women in the next few years or decade there will be need to focus on developing the rural economy if it is to successfully curb the rural urban migration. ILO projects in Murehwa and Chivi ought to be rolled out en masse so as to give the rural population an alternative to subsistence farming.

### ***Women in leadership***

The participation of women in leadership or key decision making positions also requires interventions that will ensure that there is more representation of women. There have been proclamations by government calling on women to participate and some levels of success were recorded in the past in getting close to meet regional benchmarks for women who should be in decision making positions. However, women members of parliament, women councilors, and women in cabinet and women directors remain much fewer than their male counterparts in the same field. There are many reasons for this which the government needs to address and they

include gender stereotyping, sexual harassment and mobbing of women who want to participate in politics. These women are often labeled as immoral and are at times sidelined by their political parties who allegedly submit their names for contestation in areas where they have limited chance of success. Further the government has not put in place measures that allow women to access funds for campaigning therefore only those who have enough money to campaign often do so, and the majority are men. It is evident that mentoring, skills training and a host of other measures are still required to effectively tackle challenges caused by the glass ceiling. Women start careers in business and other professions with the same level of intelligence, education and commitment as men but the numbers shrink as the career path ascends to top management positions. Relevant strategies therefore need to be crafted to address this anomaly.

The government is lagging behind in the alignment process. The Constitution provides that 50% of all members in boards should be women. However, this has not been complied with as yet and it is hoped that this measure will improve the number of women in leadership and on boards. The government also faces challenges in educating the public on the contents of the Constitution and instilling a correct understanding of what gender equality means. One of the problems that have been identified with regards to gender equality is that it has been reduced to issues of just men and women and there is no critical understanding of the nuances and deeper issues that need to be tackled. In the words of one woman again, ‘the women’s movement has contributed to the incorrect understanding of gender. The gender discourse has been reduced to something that is meaningless! Our task is not to make the complex simple but clearer!’

### ***Women’s legal empowerment***

Laws and policies promoting gender equality and women’s rights are also in some instances unknown, inaccessible, poorly implemented and at times unenforced.. In the current context where there is large-scale unemployment, cases of sexual harassment and exploitation of women have increased. However, women do not report the cases because of desperation or processes that are not friendly to the woman whose rights would have been violated. Reporting the matter may be perceived as inviting more shame to oneself because often women are judged harshly when such things happen. Negative gender stereotypes that support sexist notions and ideas that a woman would have done something to encourage the behaviour of the men then start manifesting. There is therefore need for human rights education on women workers’ rights so that women can assert themselves, claim their rights and hold employers to account for violations in the workplace. An awareness of female workers’ rights will give them voice and in turn they will participate more effectively in advancing their rights.

While the Constitution has progressive provisions promoting gender equality these are still new and will need to be tested in the courts and in society. In addition, the government has a major role

to play in educating people about its provisions. The courts have to some extent let women down because in order to prove a case of discrimination a male comparator is often used and that is to say that a woman has been discriminated against because a man is treated differently. A woman does not necessarily have to be treated differently from a man to prove that discrimination has occurred.

### ***Capacitating institutions supporting gender equality***

While national documents such as the National Gender Policy, the Domestic Violence Act and other such good initiatives exist they are largely unused and only remain on paper. However, tangible outcomes and results can be achieved through the work of government and independent institutions that support gender equality such as the Zimbabwe Human Rights Commission (ZHRC) which has a gender desk and the now functional Zimbabwe Gender Commission (ZGC). The ZGC is one of the five independent commissions established in terms of Section 245 of the Constitution and the Gender Commission Act [Chapter 10:31]. The wide and over-sweeping mandate and functions of the ZGC are set out in Section 246. It is neutral enough to tackle gender-based discrimination even in employment.

The Gender Commission Act further provides for the power of the ZGC to investigate violations of gender equality, gender equity and efforts at gender mainstreaming. The commissions have wide scope to investigate any gender equality violations in the workplace. However, these institutions will remain ineffective if they are not adequately funded in order to fulfil their mandates. Without adequate funding they will not be able to carry out outreach initiatives to publicise their work, they will have inadequate staff and will not conduct proper investigation. In line with international and regional instruments that it has signed the state should support the future of women at work by addressing the funding situation of the ZGC in line with the Paris principles on the setting up of national human rights institutions. Similarly, full capacitation and funding of the Ministry of Women Affairs Gender and Community Development will support government's commitment to promote gender equality. It is these organisations that inspect and monitor implementation of gender policies in companies as well as looking into piloting new initiatives such as day care centers among other things.

## **7.2 Women's voice and participation**

Workers' organisations have noted that there is need to ensure that women are represented equally as members first within these organisations and in their leadership to ensure that their workplace challenges are adequately addressed. However, these workers organizations have been weakened as most workers are no longer active members more particularly because they are no longer in formal employment. The massive informalisation calls for some innovation on

the part of workers' representatives to ensure that it strengthens mechanisms that represent the rights of all workers including those in the informal sector.

### **7.3 Available avenues for female workers to assert their rights in future**

#### **Workers could:**

- Litigate where their rights have been violated to ensure that precedence is set and their rights are reinforced by the courts. Workers can do this individually or as a class action where possible or through their representatives.
- Advocate for the government to ratify relevant international and regional instruments that promote their rights. Further they should call upon government to fulfil its international obligations with regards employees' rights and particularly gender equality.
- Conduct cross cultural dialogue with workers or employers in other regions to learn how they have managed to advance gender equality in their country and they can try to emulate and call for similar practices to be implemented in Zimbabwe. In Norway women should constitute 40% of the board of directors' failure of which this can lead to the winding down of that company. Five of the Defence ministers in Europe are women. Therefore, such measures will guarantee that policies meant to promote gender equality are implemented.
- Advocate for the creation of gender polices to be drafted and implemented in the workplace. The policies should make provision for cater for issues such as travel of an employee with a child, provision of allowances for baby minders when a mother is travelling, how gender equality is implemented in the organisation, mainstreamed or monitored.
- The importance of gender equality not as women's issues but a rights issue should be emphasised in order to buttress why both workers and employers alike should contribute to the promotion of gender equality. Gender equality is important to the social and economic development of a nation as whole.
- Advocate for the formalization and regulation informal work with a view of enforcing protections on women working in the sector who are often exploited without recourse.
- Engage the newly formulated Zimbabwe Gender Commission on work related gender based discrimination or gender inequality

#### ***Employers' role in the shaping future of work in Zimbabwe***

- Employers must take into consideration the child rearing and care role of women as a duty to their nation and not a burden that they should avoid in the companies. Affirmative action in the hiring laws and policies can also advance gender equality in the work-

place. Paternity leave for man should be encouraged and provided for. Man should also understand that there is no shame in taking that time off to bond with their children.

- There must be strict enforcement measures for policies and laws that government puts in place otherwise these will simply be ignored by employers. The punitive measures should have a serious financial implication on the employer in order to be taken seriously.
- Employees have the responsibility to report any discriminatory practices, sexual harassment incidents and other activities prejudicial to the promotion of gender equality in the workplace.
- Employers must do away with subtle discriminatory policies that exclude women's effective participation in the workplace

### ***Measures that can be taken to promote women workers' rights***

- ☐ Government and other key stakeholders should place special emphasis on promoting ratification of relevant conventions; their domestication and application. Promotion of international labor standards on governance in the world of work is key in light of the growing number of needs and challenges faced by workers and employers in a changing economy.
- ☐ The employers and government should put in place adequate measures that enable female workers to report sexual harassment claims in the workplace without having their privacy invaded and investigate measures that do not undermine their human dignity.
- ☐ Capacity of the tripartite partners should be strengthened by the ILO in order to engage effectively in formulating and implementing socio-economic and labour-related policies and programme
- ☐ The state should link apprenticeships in the informal sector to formal education, thereby encouraging students to remain in school. Use partnerships between the public and private sectors to encourage employers to accept young women in work placements. Place special focus on the development of entrepreneurial skills in young women.
- ☐ Develop strategies such as continuous management training, mentoring and the provision of financial and credit services to eliminate difficulties women face in creating and maintaining businesses.
- ☐ The state should expand access to higher and tertiary education to address the current low access levels, institute strategies for attracting girls so as to improve female

participation. Strengthen enrolment in areas of engineering, agriculture and mining. Increase emphasis and funding on research and development, and explore alternative modes of funding higher education.

□ Domestic workers and employers should be educated about their rights and reciprocal duties to each other. Domestic workers should have a work contract if possible. They need to ensure that they have at least a day off during the week. Enforce their rights with regards to dismissal with a month's notice unless they have committed a crime. Domestic workers should not work excessive hours therefore they need to have clear conditions of work. This may however be problematic because domestic worker's negotiating powers have been diminished by the widespread unemployment that is currently prevailing. If the employer can be made to understand the need to have these fair labour practices for their domestic workers this will reduce the prevalence of modern day slavery in Zimbabwe. Employers must be prohibited from employing underage children as this is child labour and is prohibited. Ignorance of the law is no excuse therefore legal education remains very important in communities

□ Zimbabwe has a Constitution and many labour laws need review to be in conformity with the Constitution therefore during this process stakeholders should take the opportunity to introduce stronger provisions supporting women worker's rights when crafting legislation.

□ Awareness raising for women on relevant issues so that they can understand what actions constitute a violation of their rights. It has been proved that one can only claim a right that they are aware of and others can only know that a certain action is a violation of their rights if they are made aware that it is violation. Therefore, civil society players UN agencies and others have a huge role to play here. None reporting for human rights violation by women workers can in some instances be attributed to ignorance of that fact.

□ Migrant women workers are a special category of women prone to abuse by employers because of their dire financial situation and the fact that they may be resident in a country illegally. There is need for the government to put measures in place that can protect their rights to avoid gross exploitation and abuse.

□ The public and civil society must make use of the Parliament oversight role through use of the relevant parliamentary portfolio committees. These committees can be approached by concerned parties to highlight issues affecting women worker's rights. The committee in turn should hold the relevant Ministry accountable and make recommendations for reform of policy and practice. Written submissions can be made to the relevant committee i.e. the thematic committee on human rights or to the parliamen-

tary legal committee challenging the constitutionality of any law. Further oral submissions can be made to the committee to explain fully where the particular issue affecting women workers' rights is being experienced.

- Highlighting the government shortcomings in shadow reports to the relevant international bodies to hold the government accountable. This is also linked to naming and shaming the government in order to punch for better conditions for women workers.
- CSOs and other interested stakeholders should make use of both social media and mainstream media to raise awareness about women worker's rights and call for better working conditions and gender equality
- Advocate for the repeal, revision or introduction of new laws that better protect the rights of women workers. In some instances, address the implementation issues that exist.
- International labour standards and fundamental principles and rights at work should be promoted as the goals and benchmarks of social justice and fairness in the world of work to foster more balanced economic and social development.

## **8. CONCLUSION**

This discussion paper took gender equality in the workplace through a historical inquiry to demonstrate and retrace the journey taken by the labour rights movement through various iconic economic stations. Throughout the process the narrative sought to spot light women occupying some space in employment and assessing the transition they went through. Prominent was evidence of a steady decline of the economy since independence frequently interrupted by little gains immediately reversed by further decline. Catastrophic levels were reached in 2008 when inflation could not be controlled. Job losses and informalisation of the economy gained momentum.

The second level was an identification of the current state of women in employment. They dominate unpaid work, precarious employment, low wage jobs, and everything that comes with informal economies such as zero job security, no social security nor empowerment. With dwindling formal employment and negative job creation, female workers find themselves confronted by traditional challenges such as sexual harassment, unpaid maternity leave, and soft targets during retrenchment and general gender discrimination by virtue of being women.

The final part sought to stimulate future discussions on the future of work for women in Zimbabwe. The overall observation was that women may still be confronted by an adverse workplace that offers very little to no protection unless sacrificial strategies are developed implemented with intensity in order to achieve the desired gender equality in the workplace. Specific and

targeted recommendations were made to those parties or institutions with such competence to pool resources together to change cultural, social, religious, and economic and other forms of attitude that seek to perpetuate gender discrimination in the workplace. Realising that ending gender discrimination requires a multi-stakeholder approach where government, workers and their representatives, employers and their representatives and the population at large - then the future of work for women in Zimbabwe will be based on equality of opportunity and treatment between men and women.

## **ANNEX: CONVENTIONS RATIFIED BY ZIMBABWE<sup>106</sup>**

- C14 Weekly Rest (Industry) Convention, 1921 06:06:1980
- C19 Equality of Treatment (Accident Compensation) Convention, 1925 06:06:1980
- C26 Minimum Wage-Fixing Machinery Convention, 1928 16:09:1993
- C29 Forced Labour Convention, 1930 27:08:1998
- C45 Underground Work (Women) Convention, 1935 \* 06:06:1980
- C81 Labour Inspection Convention, 1947 16:09:1993
- C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 09:04:2003
- C98 Right to Organise and Collective Bargaining Convention, 1949 27:08:1998
- C99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 16:09:1993
- C100 Equal Remuneration Convention, 1951 14:12:1989
- C105 Abolition of Forced Labour Convention, 1957 27:08:1998
- C111 Discrimination (Employment and Occupation) Convention, 1958 23:06:1999
- C129 Labour Inspection (Agriculture) Convention, 1969 16:09:1993
- C135 Workers' Representatives Convention, 1971 27:08:1998
- C138 Minimum Age Convention, 1973 06:06:2000
- C140 Paid Educational Leave Convention, 1974 27:08:1998
- C144 Tripartite Consultation (International Labour Standards) Convention, 1976 14:12:1989
- C150 Labour Administration Convention, 1978 27:08:1998
- C155 Occupational Safety and Health Convention, 1981 09:04:2003
- C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 27:08:1998
- C161 Occupational Health Services Convention, 1985 09:04:2003
- C162 Asbestos Convention, 1986 09:04:2003
- C170 Chemicals Convention, 1990 27:08:1998
- C174 Prevention of Major Industrial Accidents Convention, 1993 09:04:2003

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<sup>106</sup><http://www.ilo.org/public/english/bureau/program/dwcp/download/zimbabwe2.pdf>

C176 Safety and Health in Mines Convention, 1995 09:04:2003

C182 Worst Forms of Child Labour Convention, 1999 11:12:2000

\* Convention 45 on Underground Work has since been denounced by the Government of Zimbabwe