

Committee on the Application of Standards

Date: 1 June 2023

Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 22 May 2023.

► Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Zimbabwe (ratification: 2003)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Government has provided the following written information.

The Government takes note of the comments by the Committee of Experts and wish to provide an update on the issues detailed below.

On the issue of the 2019 cases that were withdrawn before plea, the Government submits that it invited the leadership of the Southern African Trade Union Coordination Council (SATUCC) for a mission to Zimbabwe during the period 16–17 March 2023 to engage on these issues among other matters of interest to trade unions in Zimbabwe. At this meeting, this issue of the cases withdrawn before plea was deliberated upon and the National Prosecuting Authority (NPA) unequivocally reiterated and confirmed that there will be no further prosecution of the said cases. The NPA also invited the Zimbabwe Congress of Trade Unions (ZCTU) and their lawyers for an engagement with a view to initiating a mutually agreed upon process that would bring finality and satisfaction to both parties.

On the issue of alleged arrests that took place in 2020, the Government made follow-ups with the ZCTU to submit details of the alleged arrests to facilitate investigations. The ZCTU confirmed in the preparatory meeting for the Conference, held on 30 May 2023, that they are finalizing the compilation and will submit the details of the cases in due course. The outcome of the investigations will be submitted to the Office subsequent to the submission by the ZCTU.

The issue of compensation of the former ZCTU Legal Advisor is currently before the courts following the filing of opposition to the application for variation of the compensation amount. The Office will be informed regarding the outcome of the case.

The murder allegations against the Amalgamated Rural Teachers Union (ARTUZ) leader are criminal in nature and have no bearing on his trade union role. The case is before the courts and the Office will be informed regarding the outcome of the case. The other cases in which

the ARTUZ leader is alleged to have incited violence and to be in conflict with the law are before the courts and the Office will be informed regarding the outcome.

On the issue of the Maintenance of Peace and Order Act (MOPA): The Government engaged the ZCTU and the SATUCC on this matter during the aforementioned mission by the SATUCC to Zimbabwe. The Government and social partners reached an agreement on the way forward on this matter. This included developing and agreeing to activities to strengthen observance of civil liberties pertaining to trade unions in Zimbabwe. This includes an agreement on a road map for the review of the handbook and code of conduct for law enforcement organs. An action plan in that regard was agreed to by the Government and social partners in the presence of the SATUCC and it is currently under implementation.

On labour law reform: This matter was also deliberated upon during the SATUCC mission and updates on progress were provided to social partners and the SATUCC. The Labour Amendment Bill is at the second reading stage in Parliament. Social partners agreed to submit further amendments at the Committee stage. The amended Labour Act will be submitted to the Office once it is promulgated.

The Public Service Bill is being finalized at the Attorney General's Office. The Office of the Attorney General is however currently experiencing some staffing challenges due to increased staff turnover. It is the Government's hope that the drafting process will be finalized soon for other processes in the law-making process to begin in earnest.

There was an agreement during the SATUCC mission to put on the agenda of the Tripartite Negotiating Forum (TNF) the issue of the amendment of the Health Services Act as soon as the Health Services Commission is fully established.

The Government continues to engage with social partners within the auspices of the TNF and has convened on several occasions the meeting of principals of the TNF to deal with urgent issues of interest to the tripartite constituents. More and effective engagement is envisaged in light of progress made in the establishment of the independent secretariat of the TNF following the appointment of the Executive Director for TNF on 12 May 2023.

The Government notes that a lot of progress has been made in the building of trust among social partners. It is thus the Government's considered view that the Government and social partners, with the support of the Office and the SATUCC, have the capacity to make more progress within the context of the established national dialogue process. The Government accordingly welcomes all efforts to strengthen the existing collaboration between the Government and social partners.