

## **Information supplied by governments on the application of ratified Conventions**

### **Zimbabwe**

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

**Zimbabwe** (ratification: 2003). The Government has provided the following additional written information.

##### **1. Terms of the listing**

The Government of Zimbabwe has been listed for appearance in the CAS under Convention 87 Freedom of Association and protection of the Right to Organise which it ratified in 2003. The committee is interested in following up on aspects discussed at the 105<sup>th</sup> session in 2016 which are a follow-up to the recommendations of the 2009 Commission of Inquiry on Zimbabwe appointed under Article 26 of the Constitution of the ILO.

##### **2. Issues contained in the Report of the Committee of Application of Recommendations and Conventions and action taken by the Government of Zimbabwe.**

###### **2.1. Trade union rights and civil liberties**

###### **2.1.1 Alleged attack on Zimbabwe Congress of Trade Union's Office and personnel by soldiers on 1 August 2018**

It should be noted that the demonstrations in question were organised by political actors who alleged delays in the release of electoral results of the 2018 General Elections and subsequently ushered violent activities targeting the Zimbabwe Electoral Commission (ZEC) Offices which are situated close to ZCTU Offices. Government had to intervene in line with its constitutional duty to protect citizens and property as the demonstrations became violent leading to injury of people and indiscriminate destruction of property. It is unfortunate that buildings and individuals close to the centre of violent protests were inadvertently affected in the process of trying to maintain peace and order.

The Government of Zimbabwe soon after the demonstrations appointed a Commission of Inquiry headed by the former South African Head of State, His Excellency Mr Kgalema Motlanthe which included, among others, eminent persons Chief Emeka Anyaoku a former Commonwealth Secretary General from Nigeria, Rodney Dixon QC from the United Kingdom and General Davis

Mwamunyange, a former Chief of Tanzania People's Defence Forces. The Commission conducted open and televised public hearings in which affected victims openly testified including named ZCTU officials. The Commission since provided recommendations on its findings which the Government of Zimbabwe is currently implementing.

It is therefore our considered view that Government has already complied with the request made by the Committee of Experts.

## **1.2. Alleged ban of strike action**

As part of precautionary measures to protect people and businesses during the violent demonstration of 1 August 2018 the government appealed to the citizens not to stage demonstrations or embark on related actions that were likely to be taken advantage by people with other motives.

### **2.1.3 Denial and delay in trade union registration.**

There was only one issue pertaining to contested registration of two trade unions of which one of them has since been registered. The other one is still to approach the office of the registrar of trade unions as directed by the Labour court (Reference is made to case number 3128 under the Committee of Freedom of Association).

## **2.2 Public Order and Security Act (POSA)**

The Government of Zimbabwe, consistent with its reform Agenda has initiated the process to repeal POSA. New legislation will be enacted, whose provisions will be aligned to the principles of Freedom of Association enshrined in the Constitution of Zimbabwe. This new legislation, the Maintenance of Peace and Order Bill, has been drafted, published and is now under public consultations by Parliament. It is our hope that the social partners will, as usual, contribute during the public consultations to provide their input to the process of developing the law in question.

## **2.3. Labour Law Reform and the Harmonisation of the Labour Act**

The labour law reform is ongoing and the drafts have been shared with the social partners at all material times. The recent draft that was produced by the Attorney General on 11<sup>th</sup> June 2019 has also been shared with social partners and the Office. Government looks forward to inputs and comments from the social partners for the finalisation and subsequent enactment of the new Labour Act.

With the enactment of the Tripartite Negotiating Forum (TNF) Act in May 2019 sharing of pertinent information between the government and social partners will now be a matter to be prescribed in the rules that are to be made in terms of the said Act. The TNF Act makes it mandatory for all labour legislation to be processed through the TNF. The legislated TNF was commissioned by the State President on the 5<sup>th</sup> of June 2019. The TNF is about meaningful and sustained social dialogue between the government and social partners on socio-economic issues.

## **2.4. Public Service Act**

Principles for the Public Service Act were approved by Cabinet on the 2<sup>nd</sup> May 2019 and the first draft Bill has been produced by the Attorney General. Consultations with the social partners on the draft Bill are set to commence in earnest once Public Service Associations, ZCTU and other Federations including the Employers' Confederation of Zimbabwe have been furnished with the

draft Bill.

It is expected that the reform of the Public Service Act will take into account the status of the Secretariat of the Public Service Commission.

Government took note of the comments by the Committee of Experts regarding the registration of public service associations. The Public Service Bill will accordingly harmonise the registration process in line with the corresponding provisions in the Labour Act.

The newly adopted Tripartite Negotiating Forum Act makes it mandatory for consultation and negotiation of Zimbabwe labour laws in line with the constitution and international best practises within the TNF. Accordingly, the social partners will be consulted on the new Public Service Bill in line with the TNF Act.

## **2.5 Health Service Act**

The Health Service Act is lined up for review just like the Public Service Act and the Labour Act so as to align them with the Zimbabwe constitution adopted in 2013 that provides for freedom of association and the right to strike under its section 65 and the ILO conventions 87 on Freedom of Association and Protection of the Right to Organise and 98 Right to Organise and Collective Bargaining.

## **2.6 Tripartite Negotiating Forum**

Government and social partners have been working to develop legal framework for the social dialogue Institution in Zimbabwe, the Tripartite Negotiating Forum (TNF). The TNF Act was enacted and launched on 5<sup>th</sup> June at an event attended by all social partners. There is agreement among social partners that this historic development will usher a new era for social dialogue in Zimbabwe. It is expected that the TNF Act will usher in genuine, effective and sustained dialogue in Zimbabwe. It is against this backdrop that there is conviction that most of the issues of concern among the social partners will be effectively dealt within the purview of the strengthened TNF.