

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN ZIMBABWE

**REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF THE
TRADE POLICIES OF ZIMBABWE**

(Geneva, 19 and 21 October)

EXECUTIVE SUMMARY

Zimbabwe has ratified all eight core ILO labour Conventions. However in view of serious restrictions on the trade union rights of workers, discrimination, child labour, and forced labour, determined measures are needed to comply with the commitments Zimbabwe accepted at Singapore, Geneva and Doha in the WTO Ministerial Declarations over 1996-2001, and in the ILO's Declaration on Fundamental Principles and Rights at Work and its 2008 Social Justice Declaration.

Basic trade union rights are recognised by law, but are not always in conformity with ILO Conventions 87 and 98. In practice the government has been systematically violating the rights to organise, to collective bargaining and to strike and has frequently used arrests, detentions, violence, torture, intimidation and harassment to curb union activities. The Public Order and Security Act (POSA) and Criminal Code Codification (Reform) Act are routinely used to violate workers' rights and even to criminalise union activities.

Discrimination on the grounds of race, gender, HIV/AIDS status and disability in all aspects of employment is prohibited by law. In practice, women and several groups face discrimination due to societal stigma and poor law enforcement.

National law does not always regulate child labour in conformity with Conventions 138 and 182. Child labour, including in its worst forms, is a problem in Zimbabwe. Child labour is a particular problem in mining, agriculture, domestic servitude and services provided by self-employment.

The law prohibits forced labour but there is no specific anti-trafficking law. In addition, the penalties prescribed for these crimes are not stringent enough. Although information is scarce, forced labour is a problem, particularly in the mining sector, domestic servitude and seized farms.

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN ZIMBABWE

Introduction

This report on the respect of internationally recognised core labour standards in Zimbabwe is one of the series the ITUC is producing in accordance with the Ministerial Declaration adopted at the first Ministerial Conference of the World Trade Organisation (WTO) (Singapore, 9-13 December 1996) in which Ministers stated: "We renew our commitment to the observance of internationally recognised core labour standards." The fourth Ministerial Conference (Doha, 9-14 November 2001) reaffirmed this commitment. These standards were further upheld in the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work adopted by the 174 member countries of the ILO at the International Labour Conference in June 1998 and in the Declaration on Social Justice for a Fair Globalisation adopted unanimously by the ILO in 2008.

The ITUC affiliate in Zimbabwe is the ZCTU which has a membership of 241,000 persons covering various areas of employment.

I. Freedom of Association and the Right to Collective Bargaining

Zimbabwe ratified ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise in 2003 and Convention No. 98 on the Right to Organise and Collective Bargaining in 1998.

Private sector workers enjoy the right to form and join trade unions, to bargain collectively or to strike; however, since the enactment of the Labour Amendment Act in 2005 public sector workers do not enjoy these rights. The government also continues to define senior private and public employees as managers, further restricting their right to organise. In addition, the managerial title does not increase those employees' compensation or provide any other benefits.

Unions are required to register with the Ministry of Labour and Social Welfare. The Registrar has the power to choose the venue of union elections and supervise the process. The law confers on the Minister of Labour extensive powers to regulate trade union dues, salaries and allowances of staff employed by unions, as well as the equipment and property that may be purchased by trade unions. The Minister of Labour also has the power to appoint an investigator who can enter any premises, question union staff and inspect and make copies of records or other documents.

The Labour Relations Amendment Act recognises the right to collective bargaining on compensation and working conditions and to strike. Sectoral collective agreements automatically extend to all employees of a sector. However, the Ministry of Labour needs to approve a collective agreement and publish it in the government's gazette in order for it to be valid.

The Public Service Act does not provide public servants with collective bargaining rights and it empowers the Minister to issue regulations on several matters, including conditions of employment. The Minister can instruct the Registrar not to register an agreement or direct the parties to negotiate an amendment to a registered collective agreement *“if any provision appears to the Minister to be inconsistent with legislation or unreasonable or unfair”*.

There are excessive requirements and long procedures, including a month of reconciliation efforts and possible referral to mandatory arbitration, that need to be exhausted before calling a strike. This requires a vote with at least 50 per cent of the employees endorsing the call to strike, and an advance notice period of two weeks. The Labour Act process of conciliation and arbitration provides disproportionate opportunities to the employer without redress for the affected employees, thus violating their rights. Further, the employers are allowed to hire replacement workers during a strike. If workers take part in unauthorised strikes they can face liability claims from their employers and up to five years imprisonment. Strikes in essential services are prohibited and the list of essential services is much broader than the ILO definition.

The law prohibits anti-union discrimination and prescribes reinstatement in cases of unfair dismissal on the grounds of union membership or activity. However, there has been no reinstatement so far. Moreover, a 2008 ILO Commission of Inquiry concluded that *“there was no adequate protection against anti-union discrimination in the country.”*

In practice, the government has made extensive use of several laws, including the Criminal Code Codification (Reform) Act and the Public Order and Security Act (POSA), to repress union freedoms. The government utilises POSA even though chapter 11:17 stipulates that a union is not bound to give notice to police when conducting its activities and that police have no right to ban such activities. The courts have repeatedly ruled that POSA should not be used against union activities but that notwithstanding, the government ignores these rulings.

Sometimes unions are suspended by the Registrar for flawed reasons. Furthermore, unions are undermined by ‘workers’ committees’, which are associations organised by employers. Splinter unions that offer little legal assistance to workers who file complaints sometimes interfere in collective bargaining making negotiations difficult for the representative unions.

Moreover, arrests, detentions, threats, harassment, intimidation and violence have been used against union leaders and members for calling a strike, gathering, commemorating historic events, publishing and circulating information, fundraising and, in general, for holding union activities. The authorities have systematically restricted the ability of the unions to hold protests, to approach workers for organising them and to communicate with their members and consult with them. Many ZCTU gatherings, either internal meetings or public demonstrations, have had to stop as they were found to be in

breach of the POSA. Most strike calls have been rejected by the authorities and when unauthorised strikes have been held, they have often ended with many strikers arrested.

Ministers have also interfered in collective bargaining. In 2009, the co-Minister of Home Affairs, who was also a member of the association of security services employers, asked the Minister of Labour to reduce the security personnel's salaries. In October 2009, the Minister of Industry and Commerce launched an attack on labour arbitrators saying they needed reorientation because their awards were too progressive. During February and March 2009, the Minister of Energy signed an order commanding the reduction of agreed wages and allowances in the state-owned enterprises of electricity and oil. The city of Harare also slashed agreed wages after its management was reprimanded by the Minister of Local Government.

In the past, the police have made use of undercover agents: such was the case of an educational workshop in Mutare in March 2010 for the ZCTU's Regional Women Advisory Council. When recognised, the police officers were ejected but came back soon with a larger police force in order to arrest the organisers and disperse the rest.

In another case, the General Agricultural and Plantation Workers' Union (GAPWUZ), which published a report highlighting the plight of farm workers in Zimbabwe, faced harassment and arrest. On 19 February 2009 the General Secretary of GAPWUZ, Gertrude Hambira and staff members were questioned for 45 minutes at Harare Central Police station by 17 officers about the documentary "House of Justice" and its accompanying report "If Something is Wrong". The documentary contained testimonies of murder, torture and violence against farm workers and owners during the "land reform" since 2000. That day police released Hambira and her colleagues with severe warnings, however soon afterwards a police investigation found that Hambira had contravened Section 31 of the Criminal Law Act, which makes it an offence to publish or communicate false statements prejudicial to the state. Over the following days, police visited the GAPWUZ headquarters daily to harass and threaten staff and search their offices for evidence on the whereabouts of Hambira. On February 25, police detained and questioned the Deputy Secretary General, Gift Muti, and the President of GAPWUZ, Manjemanje Munyanyi, over the documentary and the report. By February 25, Hambira fled, probably abroad, fearing for her life. Unknown persons approached members of Hambira's family and friends to ask them for her whereabouts. Reportedly, it was not the first time Gertrude Hambira and the GAPWUZ faced intimidation, threats, interrogations and harassment. On March 1 in a new raid, police arrested an intern and took him to the police station for interrogation.

The police routinely reject applications for holding commemoration events. In 2011, the application for commemoration of the International Women's Day and May Day processions in many cities were turned down and in some other cities the authorities allowed 'commemorations but no processions'. Police also banned the 2010 procession for the Health and Safety Day in Kwekwe and the commemoration of the Kamandama accident which caused the death of 472 miners in Matabeleland North in 1972. Police banned the march for the commemoration of the International Workers Day in Masvingo

in 2010, but they allowed the procession to take place in the Mucheke Stadium. Police also allowed the Harare commemoration to be held under the condition that politicians would not be invited.

In April 2011 the ZCTU notified the Police in all 38 Districts of its intention to commemorate International Workers' Day. The police banned all processions in Mutare, Harare and Masvingo and took unduly long to respond to letters in other Districts. In its efforts to protect workers' fundamental rights to freedom of association, assembly and expression, the ZCTU made an application to the High Court seeking an order to declare police action unlawful and allow commemorations and processions in all 38 Districts. After the High Court granted an order in favour of ZCTU on April 29, the processions went ahead in most cities except in Masvingo, where the police defied the High Court Order and maintained their ban on the procession.

In Bulawayo on 28 February 2011, the ZCTU notified the Police Officer Commanding of Bulawayo Western District of its intention to commemorate International Women's Day on 8 March with a procession, and indicated its route. On 3 March the Police Chief Superintendent responded banning the procession and referring the gathering to the Officer Commanding Bulawayo West District. On 4 March the Officer declined to allow the gathering, citing a spate of violence in the country and claiming that the ZCTU had not complied with section 25 (2) of the Public Order and Security Act chapter 11: 17. However the Magistrates Court of Bulawayo granted the order that the commemoration and procession go ahead as planned. The police in defiance of that order and dressed in riot gear wielding baton sticks disrupted the event and arrested 19 trade union members including a pregnant woman. A group of about 20 police officers invaded the meeting place for the procession and did not permit participants to gather; another group of 17 raided the ZCTU Bulawayo offices and ordered people to disperse. As a result of that police defiance of the court order, the commemorations did not take place.

In the past, the police have interfered with and stopped several other commemoration events and harassed participants in marches. In its 2010 commemoration of May Day in Chiredzi, the ZCTU had notified police and received its approval. On 1 May 2010 however, when ZCTU members gathered at the venue they found it being used by members of ZANU-PF. The ZANU-PF refused to leave and the ZCTU had to hold the event in a community boardroom. In 2009, 14 ZCTU members were arrested on International Women's Day for staging an unauthorised industrial action.

Although the law prohibits anti-union discrimination and dismissals on the grounds of union membership and activity, in 2010 the Harare City Council suspended 75 workers for staging a protest. The Members of the Harare Municipal Workers' Union (HMWU) had written to the Mayor and tried to hold discussion with him on the non-payment of February 2010 salaries, an outstanding mediation award and the unfair dismissal of a union leader. At a later stage, after obtaining police permission, the workers decided to hold a protest at the Town House in March 2010. Some days later, they received letters announcing their suspension.

In their effort to curb union activities and industrial action, employers have often dismissed and threatened workers with dismissal. In May 2010, Rio Tinto Zimbabwe Ltd. (RioZim), operator of the Renco Gold Mine in Masvingo dismissed 70 miners, suspended 370, and gave a total of 760 workers final warnings for striking. The workers were participating in the national mine strike in protest at the failure of employers to deliver on wage adjustments mandated by arbitration. Moreover, the companies had neglected to make contributions to the Mining Industry Pension Fund. The strike was authorised and 20,000 miners in the rest of the country participated in the action. The Chamber of Mines filed a show-cause order and five days later the Ministry of Labour ordered the Associated Mine Workers of Zimbabwe (AMWZ) to suspend the strike. The union obeyed the order and called its members back to work; however, the 'disciplinary measures' were still imposed. In another dismissal case in September 2010, Air Zimbabwe announced the dismissal of eight pilots who were protesting at receiving less than half their monthly pay. In June 2009, the Zimbabwe Mining and Smelting Company (ZIMASCO) dismissed 23 workers after they took part in a strike in protest at management's failure to provide protective gear. In another incident in the same month at the Victoria Falls Hotel, four workers' representatives were severely beaten by police for arranging a union representation for suspended colleagues. The hotel manager had accused them of plotting against his life. Later on the hotel employees protested at these events with a sit-in. The management suspended all 161 workers taking part in the action and later dismissed 69 of the protestors.

Curbing strikes has sometimes turned violent. The workers at the Shabanie asbestos mine in Zvishavane had been on strike since August 31, 2009, in protest over delayed pay. The workers had not received full wages since January and a promise was made that the company would pay them by August 31. On September 25 2009 the striking employees gathered near the company premises for what they were told would be a meeting with management. Instead they were met by armed police who threw tear gas into a crowd of 1,000 miners and their families. Three workers were shot in their legs and hands and scores of others were arrested. A lawyer was prevented from seeing the three injured men in hospital and was then arrested for obstructing the course of justice. Three days later, two of the shot men were taken to a local courtroom in wheelchairs and charged with causing public violence. In the following days, intelligence services and mine security officers threatened workers with eviction from the mine houses if they would not return to work. On 30 September, most of the 2,280 striking workers returned to work. A total of 71 were later dismissed. The police also raided the local ZCTU office warning the union officials not to react to the events.

In addition to measures against industrial action, the authorities have made use of violence to stop other union activities. In February 2008, nine leaders and activists of the Progressive Teachers' Union of Zimbabwe (PTUZ), including the President and the General Secretary were brutally attacked and tortured. The eight unionists were abducted by ZANU-PF militias in the morning of 19 February when distributing flyers on the crisis in the education system in Harare. They were taken to ZANU-PF Headquarters, where they were subjected to life threats, severe beating and sexual abuse that amounted to

torture. Five had to be hospitalised, six were released after 4 days detention and the remaining three activists were detained for 7 days.

Another example of authorities' intimidation of unionists was noted in April 2010 when a Criminal Investigation Department (CID) official confiscated fundraising forms that a unionist was distributing around Makoni shopping centre. The CID official had first demanded that the unionist show a certificate of authority from ZCTU for this action, claiming that the signature of the ZCTU's General Secretary on the forms was not enough. About ten days later the forms and the diary were returned after a ZCTU engaged police with a legal officer on the issue.

Unionists face intimidation and violence not only by police, but also by employers. Such is the case of a union official of the Zimbabwe Security Guards Union (ZISEGU) who was physically and verbally assaulted by his company manager in April 2010. The union member had collected the verdict of a hearing involving one of the company's employees and a union member. In another incident, in April 2009, a senior reporter of ZCTU publication 'The Worker', was arrested and detained by police in Harare for taking photographs of police officers harassing informal traders and looting their wares. The police officers confiscated Mahove's camera and deleted all the pictures. Mahove was later released after paying a fine of USD20.

A 2008 ILO Commission of Inquiry was sent to Zimbabwe to examine the observance of ILO Conventions No. 87 and No. 98. Its report was finalised and published in 2009. It stated *"The report summarizes the information on the factual matters investigated by the Commission relating to the systematic violation of freedom of association rights. More specifically, it discusses allegations concerning the right to strike and demonstrate; arrests, detentions, assaults and torture; intimidation and harassment of trade unionists and, in particular, teachers, farm workers and the business community; interference in trade union affairs and trade union discrimination; collective bargaining and social dialogue; and the institutional protection of trade union rights. It also considers statements concerning attempts at a healing and reconciliation process in Zimbabwe.*

In its conclusions, [...] The Government of Zimbabwe accepted that "things" had happened, that they were regrettable and that it was important to ensure that such "things" did not happen again. [...]

The Commission of Inquiry concludes that there was systematic, and even systemic, violation of the Conventions in the country. It saw a clear pattern of arrests, detentions, violence and torture of trade union leaders and members by the security forces coinciding with Zimbabwe Congress of Trade Unions (ZCTU) nationwide events, indicating some centralized direction to the security forces to take such action and a clear pattern of control over ZCTU trade union gatherings through the application of the Public Order and Security Act (POSA). It noted the systematic targeting of ZCTU officials and members, particularly in rural areas, involving significant violence and anti-union discrimination in employment, in what appeared to be a calculated attempt to

intimidate and threaten ZCTU members. It also noted with particular concern the routine use of the police and army against strikes, widespread interference in trade union affairs and the failure to guarantee judicial independence and the rule of law, resulting in a situation of impunity for those perpetrating atrocities.”

In April 2008, agents from Zimbabwe's Central Intelligence Organisation (CIO) threatened the chairperson of ZCTU Rusape District branch, Mr Amos Masumuse, with death if he proceeded to testify before the ILO Commission of Inquiry.

Zimbabwe's national laws do not oblige the government to consult workers and employers' organisations on issues such as examination and ratification of Conventions, the submission of adopted ILO instruments to Parliament and any proposals to denounce ratified Conventions.

Summary

Basic trade union rights are recognised by law, but not always in conformity with ILO Conventions 87 and 98. In practice the government has been systematically violating the rights to organise, collective bargaining and to strike and using arrests, detentions, violence, torture, intimidation and harassment to curb union activities.

II. Discrimination and Equal Remuneration

Zimbabwe ratified ILO Convention No. 100 (1951) on Equal Remuneration in 1989 and ILO Convention No. 111 (1958) on Discrimination (Employment and Occupation) in 1999.

The Labour Act prohibits discrimination on the grounds of race, gender, HIV/AIDS status and disability in all aspects of employment and occupation. However, the Labour Act does not have a definition of discrimination but simply outlines forms of discrimination. It recognises the right of women and men to equal remuneration for “*work that involves similar or substantially similar skills, duties, responsibilities and conditions*”, but it gives no explicit expression to “work of equal value”. The law does not recognise economic status, marital status, sex, and trade union membership and activities as grounds of discrimination that must be prohibited.

61% of women are engaged in participation in the workforce. Only 15 per cent of senior and management positions are covered by women. Although statistical information is scarce, it seems that women face a considerable pay gap.

Sexual harassment at the workplace is prohibited by a provision that does not specify penalties for the offenders. There have been no prosecutions based on the provision on sexual harassment at the workplace and sexual harassment is a problem. The US Department of State annual human rights report states that “*anecdotal evidence indicated that women experienced economic discrimination, including in access to employment, credit, pay, and owning or managing businesses.*”

The law prohibits discrimination against persons with disabilities in employment, access to buildings and services. Reports show that disabled persons face discrimination in employment and other aspects of life.

Zimbabwe's main ethnic groups are the Shona, accounting for 82 per cent of the population, Ndebele, accounting for 14 per cent and whites and other groups, less than 4 per cent. Reports show that in certain regions Ndebele and whites are often victims of discrimination in employment, including practices of hiring.

Homosexual individuals face societal discrimination and restrictive legislation: for example, the two biggest political parties have made anti-gay statements and politicians sometimes threaten members of the Lesbians, Gays, Bisexuals and Transgendered (LGBT) community. Under these conditions, homosexual persons also face discrimination in employment.

The law prohibits discrimination against persons living with HIV/AIDS; however reportedly such persons faced discrimination in various aspects of life, including in employment. The Zimbabwe Business Council on AIDS (ZBCA) promotes HIV/AIDS workplace programmes, but there is no information on the extent to which such programmes are used and their results.

Summary

Discrimination on the grounds of race, gender, HIV/AIDS status and disability in all aspects of employment is prohibited by law. In practice, women and several groups face discrimination due to societal stigma and poor law enforcement.

III. Child Labour

Zimbabwe ratified both ILO Convention No. 138 (1973) on the Minimum Age and Convention No. 182 (1999) on the Worst Forms of Child Labour in 2000.

The law sets the minimum age for admission to employment at 15 years of age. However, the law does not establish compulsory education up to the age of 15 or other age. The law also does not apply to self-employed workers; relevant to this, a 2008 ILO-IPEC Draft Rapid Assessment Survey on the worst forms of child labour found that 87 per cent of working children were self-employed. Children between 13 and 15 years old can be employed as apprentices and children between 15 and 18 can perform light work. The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) observed that another law sets the apprenticeship age at 16. Furthermore, permitting the employment of apprentices from the age of 13 years is not in conformity with Convention No. 138. The Labour Act does not define child labour and does not cover many children's rights recognised in Convention 182 on the worst forms of child labour. Furthermore, the Children's Act Chapter 5:06 has 7 different definitions of a child, which leaves significant room for misinterpretation and distortion. The laws do

not oblige the government to rehabilitate and ensure the social integration of victims of child labour.

Hazardous work is prohibited to children. Three different Acts prohibit child pornography, prostitution, and other forms of child sexual abuse. However, while use of children in pornography is covered by the general prohibition of pornography in Zimbabwe's laws, there is no specific provision in the Labour Act directed at protecting children from such abuses.

In practice, child labour is a problem in Zimbabwe. According to the latest state statistics from 2004, 46 per cent of children between 5 and 17 years of age were at work. The data showed that 4 per cent of working children had never attended school and 14 per cent had dropped out of school. The ZCTU reported that young children engaged in work to pay for their school fees and proposed the reintroduction of free education at least at the primary level.

Rural children often work in tobacco, sugarcane, cotton, tea and coffee plantations and other farms as well as in diamond and gold mines and in forestry. Urban children are usually street vendors, car-washers, and domestic servants. In many cases, children as young as 12 years old have been found in mines dealing with hazardous chemical and toxic substances without protective gear and operating dangerous machines without training in agriculture and mining. Evidence shows that many girls involved in domestic servitude are not properly paid, if paid at all. Children domestic servants also work for long hours and are particularly vulnerable to sexual exploitation. Zimbabwe has about 1.3 million orphaned children: many of these children lead their own household and base their livelihoods on an informal enterprise, usually in street vending. Other orphaned children are reported to fall victims of organised crime and are coerced into labour on farms or trafficked abroad for the purpose of forced labour. An estimated 15,000 children move back and forth over the border with South Africa in search of seasonal farm work and day-labouring.

The National Service Act of 1979 set the lower age limit for recruitment into regular national service at 16 years of age. According to the 'Coalition to Stop the Use of Child Soldiers', a compulsory national youth service training programme for all school-leavers was initiated in 2003 and was terminated in 2007. The 120-day programme provided training to persons aged 10 to 30 years old that focused "on paramilitary skills and political education, and allegedly included torture and killing techniques." Many girls were repeatedly raped during the programme.

The government takes part in an ILO-IPEC Programme against the worst forms of child labour. It has created a committee comprising government agencies, civil society organisations, trade unions and employers' organisations aimed at eliminating the worst forms of child labour. The government also implements a Basic Education Assistance Module (BEAM) and a National Action Plan for orphans and other vulnerable children (OVC NPA), aimed at ensuring that children attend school. The government has

implemented a National Programme for the Elimination of the Worst Forms of Child Labour and the authorities need to design its second phase.

Poor law enforcement is partly due to lack of resources and training of labour inspectors and other law enforcers. Zimbabwe has only two labour inspectors for the whole country.

The national law does not always regulate child labour in conformity with ILO Conventions 138 and 182. Child labour, including in its worst forms, is a problem in Zimbabwe. Child labour is a particular problem in mining, agriculture, domestic servitude and services provided by self-employment.

IV. Forced Labour

Zimbabwe ratified Convention No. 29 on the Forced Labour and Convention No. 105 on the Abolition of Forced Labour in 1998.

The Labour Act section 4A prohibits forced labour but prescribes only a fine or two years' imprisonment which is not adequately stringent. Moreover, the Labour Act fails to address the specification of the various forms of forced labour and does not have a definition of forced labour. There is no specific anti-trafficking law but provisions of the Criminal Law deal with trafficking for the purpose of sexual exploitation. However, there is no explicit prohibition of trafficking for the purpose of forced labour. The penalties prescribed in the Criminal Law are also generally considered not stringent enough. The government has finished working on an anti-trafficking bill but it has not yet been introduced in Parliament.

There is not much information about the volume of the problem in practice. However, some reports show that forced labour is a problem in the mining sector where children and adults are forced into digging and panning. Many of these mines are guarded by militia and security forces. The problem also occurs in seized farms, where the individuals to whom the farms were given have sometimes forced the peasants into unpaid labour. Moreover, reports show that many domestic servants, specifically girls, are not paid for their services.

The authorities do not investigate or prosecute forced labour or trafficking cases, even when NGOs report cases to them. In August 2010 a court ruled in favour of seven Zimbabwean trafficking victims in Angola, but no criminal charges were pursued against the offenders.

The government makes use of international assistance for providing training on human trafficking to police officers. It seems that lacking resources and training of law enforcers causes poor enforcement of the laws on forced labour. Furthermore, there are reports that officers of the border police and other agencies are corrupted by organised crime.

The law prohibits forced labour but there is no specific anti-trafficking law. In addition, the penalties prescribed for these crimes are not stringent enough. Although information is scarce, forced labour is a problem, particularly in the mining sector, domestic servitude and seized farms.

Recommendations

1. The Labour Amendment Act in 2005 should be revised in order to provide public sector workers the rights to organise, collective bargaining and strike.
2. The government must not define senior private and public employees as managers to prevent them from unionising.
3. The Registrar's excessive powers to choose the venue of and supervise union elections should be revoked.
4. The Labour Minister's excessive powers to regulate trade union dues, salaries and allowances of staff employed by unions, equipment and property; to appoint investigators with power to enter premises and inspect; to issue regulations on several matters, including conditions of employment; to not register an agreement or direct the parties to negotiate an amendment to a registered collective agreement should be revoked. The government should abstain from interfering in union activity and should promote collective bargaining as the main process for regulating labour relations and resolving labour disputes.
5. Excessive requirements and long procedures that need to be exhausted before calling a strike should be repealed.
6. The provision for hiring replacement workers during a strike should be repealed.
7. The employers' possibility of making liability claims and imposing penal sanctions on unauthorised strikers should be revoked.
8. The list of essential services should be brought in line with the ILO definition which confines such services to "those the interruption of which would endanger the life, personal safety or health of the whole or part of the population".
9. The government must not use the Criminal Code, the Public Order and Security Act (POSA) and other repressive laws to repress union freedoms and impede union activities.
10. 'Workers' committees' and splinter unions should be dismantled and employees provided the right to freely choose their union.
11. The government must not make arrests, detentions, threats or harassment or use violence against unions for calling a strike, gathering, commemorating historic events, publishing and circulating information, fundraising or undertaking other trade union activities.
12. The law should be amended in order to give full legal expression to "work of equal value".
13. The legal provision on sexual harassment at the workplace should specify penalties for the offenders.
14. The government should take urgent measures to improve women's participation in the workforce and women's access to high skilled and high paid jobs and close the wage gap. Measures, including training and employment preferences, should

- be taken to assist particular ethnic groups, disabled persons and other groups which face discrimination in employment.
15. The authorities should actively encourage and facilitate companies and unions to adopt workplace HIV/AIDS programmes.
 16. The government should adopt special measures, including human resources development and sensitisation measures, with the aim of eliminating discrimination against disabled persons, homosexuals and persons who live with HIV/AIDS.
 17. The law should set the age for compulsory education to 15 years of age in order to coincide with the age when admission to work is allowed.
 18. The law's scope of application should be extended to cover self-employed workers.
 19. A prohibition on the use, procuring or offering of a child for pornography should be enacted.
 20. The prohibition of forced labour and trafficking should be accompanied by stringent enough penalties.
 21. The anti-trafficking bill should be discussed with the social partners and presented to the parliament urgently.
 22. The authorities should start investigating, prosecuting and achieving convictions for offenders against labour laws, especially for cases of forced labour, trafficking and child labour.
 23. In general, the government should build up its law enforcement and judicial capacities to monitor and enforce labour laws, including legislation on violations of trade union rights, discrimination, child labour and forced labour and trafficking, and start punishing those who commit such crimes.
 24. The Labour Inspectorate needs to be adequately funded and the inspectors to be properly trained.
 25. The WTO should draw the attention of the Zimbabwean authorities to the commitments they undertook to observe core labour standards at the Singapore and Doha Ministerial Conferences. It should request that the ILO intensify its work with the Government of Zimbabwe in these areas and provide a report to the WTO General Council on the occasion of the next trade policy review.

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