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PRÉSIDENT
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Robert Mugabe
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LEX/MS

20 August 2015

Labour Amendment Bill

President Mugabe,

I am writing to you on behalf of the International Trade Union Confederation, which represents over 176 million workers in 162 countries and territories – including Zimbabwe – to strongly express our deep concern in relation to the attacks against trade union leaders and members, as well as the Labour Bill which is currently being debated in Parliament.

Earlier this month, police violently prevented the Zimbabwe Congress of Trade Unions (ZCTU) from demonstrating against recent job losses, and arrested seven people, including the ZCTU President and General Secretary. Police raided ZCTU offices ahead of the planned protest, holding leaders of the union, and detaining several journalists. Those arrested were later dispersed throughout the city, as police in riot gear patrolled Harare's central business district. The ILO Committee on Freedom of Association has repeatedly pointed out that the right to organise peaceful public meetings and demonstrations is an important aspect of trade union rights. The arrest, even if only briefly, of trade union leaders and trade unionists, for exercising legitimate activities in relation with their right of association constitutes a violation of the principles of freedom of association.

In addition, the Labour Amendment Bill, which was published on 14 August 2015, is contrary to international standards with respect to both its substance and adoption process. The bill misleadingly refers to consultations with social partners. However, it is far from reflecting the tripartite consensus that was reached in the Tripartite Negotiating Forum on the amendments.

Several sections of the Labour Amendment Bill represent glaring violations of international labour standards. Among others, Clause 14 amending section 79 indicates that public authorities may refuse to approve a collective bargaining agreement for registration if it is contrary to “public interest”. Making the validity of collective agreements signed by social partners subject to the approval of these agreements by the

authorities is contrary to the principles of collective bargaining and ILO Convention No. 98.

Moreover, the bill seeks to broaden the powers of the Ministry of Labour to appoint an administrator to investigate and carry out trade union activities under section 120. The ILO Committee of Experts and the ILO Commission of Inquiry repeatedly requested Zimbabwe to amend section 120 in order to ensure that the Minister of Labour did not have the power investigate a trade union or a federation of trade unions and thereby violate their right to organise their administration and activities and to formulate their programmes.

The ILO Commission of Inquiry recommended the amendment of the Labour Act, the Public Service Act and the Public Order and Security Act in order to bring it into compliance with Conventions Nos 87 and 98. While your government has accepted the recommendations of the ILO Commission of Inquiry in 2010, your actions are in clear contradiction to the commitments made to the international community.

The workers of Zimbabwe, represented by the ZCTU, are the most seriously hit by the economic crisis in the country. Depriving them of their fundamental rights will not lead to the recovery of the economy. We urge you to not hastily adopt the Labour Amendment Bill without carrying full and genuine consultations with the social partners in the Tripartite Negotiation Forum. The labour law reform process should also be seen as an opportunity to implement the recommendations of the ILO Commission of Inquiry, which have been outstanding for than five years now.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A. Burrow', with a stylized flourish at the end.

Sharan Burrow
ITUC General Secretary