

LABOUR LAW SHORTCOMINGS	WORKERS DEMANDS
Non members benefitting from trade union services	Non union members (free riders) to pay agent fees
Delayed remission of trade union dues by employers	Payment of interest at prevailing bank lending rate on trade union dues
No obligation for full disclosure of information on retrenchment negotiations	Full disclosure of information
The Labour Court currently cannot enforce its own decisions	Give exclusive jurisdiction of labour matters to the Labour Court
Undue delay in handing down judgments	Labour Court judgments must be delivered within 3 months
No Specialized Labour Appeals Court.	Establishment of a Labour Appeals Court with final jurisdiction in labour matters
Appointment of judges of the labour court does not consider qualification and experience in labour law	The appointment of Labour Court Judges who are qualified and experienced in labour law.
The period of referring a matter to the Labour Officer is two years	The period of referring a matter to the Labour Officer should be increased to three years.
Unregulated time frame for arbitrators	Arbitrators should dispose of a matter within 21 days of receiving the matter.
Conciliation agreement lack enforcement at law	Conciliation agreements must be enforced.
Restrictive conditions of strike action. -14 days written notice -Strike ballot -Criminal and civil penalties over strike action -Non payment of wages -No right to secondary action -No right to protest action -Interference by security forces during a strike -Harsh penalties after a strike	Full recognition of the right to strike - 48 hours notice to go on strike. - No to balloting -No criminalization of strike action. - Right to strike over non payment of wages and benefits (no pay no work) - Recognition of secondary collective job action - Right to protest action to promote or defend socio economic interest of workers - No interference by security forces during a strike - No selective punishment of strikers - No recruitment of scab labour to replace strikers.

**HEAD OFFICE**  
**9TH-10TH FLOOR ,CHESTER HOUSE**  
**88 SPEKE AVE,HARARE**  
**TEL; (263 4) 794742,793093,FAX (263 4) 728484**  
**Email:info@zctu.co.zw, WEBSITE; www.zctu.co.zw**

### ZCTU REGIONAL OFFICES

<b>SOUTHERN REGION</b> No 464 Herbert Chitepo P.O. Box 516 Masvingo Tel/Fax; 039-262276	<b>WESTERN REGION</b> No 129B George Silundika Street 14 Avenue Bulawayo Tel; 09-882093 Tel/Fax 09-61737	<b>NORTHERN REGION</b> No 9 North Drive Cnr Sleeklink CBD Chinhoyi Tel/Fax; 067-24243	<b>CENTRAL REGION</b> No 9 Main Street P.O. Box 1211 Gweru Tel 054-230443 Tel/Fax; 054-223312 Email; centralregion@yahoo.com	<b>EASTERN REGION</b> No 14 Jameson Street P.O. Box 503 Mutare Tel; 020-61860 Tel/Fax; 020-60083	<b>NORTHERN REGION</b> 2ND Floor East Wing Globe House P.O. Box 9315 Harare Tel; 04-2928375 Cell;0775 240 912 0712 456 509
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# Zimbabwe Congress of Trade Unions

## To Our Valued Workers Of Zimbabwe

We have been exploited since 1980 and have remained poor because some people elect to be rich by exploiting us. We have remained poor because the law is in favour of the capitalists. Now is the time for real change, so workers, demand your rights.

Our theme in this campaign is 'Harmonisation of Labour Laws to comply with International Labour Standards'. Kindly find below a summary of the shortcomings in our labour law and the workers' demands.

### What is your role in this campaign?

Share this information with your workmates, friends, family members etc  
 Share this information with members of your community  
 Lobby other civic organisations to support our demands  
 Lobby your members of Parliament (MP) to support the workers demands  
 Lobby your political party to support workers' demands  
 Lobby cabinet members to support workers' demands  
 Remember, labour law making is a political process, vote for a party that supports workers demands.



# Labour Law Reform Campaign

LABOUR LAW SHORTCOMINGS	WORKERS DEMANDS
No recognition of International Labour Standards in interpretation	Interpretation of the Labour Act that complies with the constitution and International Labour Standards
(Multiplicity) many laws that govern labour matters: -Public Service Act -Health Services Act -Labour Act -POSA	Harmonization of labour laws No to use of Presidential Powers in Labour matters No to POSA
Omission of other forms of discrimination	Include socio-economic status, marital status, sex, religion, national extraction, trade union membership and other form of discrimination whether direct or indirect
No provision for maximum working hours	A working week of not more than 40 hours
	No over time without workers' consent
Limited rights of workers' representatives	The right of workers' representatives to access information, investigate, recruit and service members
Continuous renewal of fixed term contracts	No to casualization of labour
Late payment of wages	Payment of interest at prevailing bank lending rate on over due wages and salaries
Dismissal of "any act" of misconduct	No to dismissals without specific charges, remove 'any act'
Deliberate refusal to reinstate unfairly dismissed workers	Unconditional reinstatement or prohibitive damages equivalent to the difference between the employee's age and his normal retirement age. No to mitigation of loss of employment
Employees are being suspended from work without pay Unilateral implementation of short time work by employees	Suspended workers must be paid full salaries pending finalization of their case Implementation of short time work only after an agreement at works council
No minimum retrenchment packages	Set a minimum retrenchment package to be paid to any retrenched employee as follows:  (i) Three months service remuneration for every year worked, including the pro rata share thereof; (ii) Six months severance pay; (iii) A relocation allowance equivalent to 3 months remuneration; (iv) Continuation of medical facilities and benefits for a period of one year after retrenchment; (v) An option for the employee to purchase at book value any dwelling or item of a personal nature the employee might have been using at the time of the retrenchment; and (vi) Tools of trade; (vii) The right of first re-employment in the first three years of retrenchment to any retrenched employee.

LABOUR LAW SHORTCOMINGS	WORKERS DEMANDS
Delayed payment of terminal benefits	Instant payment of terminal benefits, 24hours
Inadequate sick leave pay and benefits. Automatic termination of employment after exhaustion of 180 days sick leave.	Full payment of wages and benefits during sickness including HIV and AIDS. No to dismissal of sick workers after 180 days without considering their plight and alternative measures to accommodate their sickness
Inclusion of Saturdays, Sundays and public holidays as part of vacation leave.	No, exclude Saturdays, Sundays and public holidays as part of vacation leave.
Inadequate special leave days (12 days).	Increase special leave days from 12 days to 30 working days
24 hours of continuous rest per week	48 hours of continuous rest per week
No provision for family leave	Family responsibility leave on full pay to attend to: - (a) Child care (b) Family services, (c) Community services, (d) National duty, and (e) Trade union business
Workers are paid last in the event of insolvency or winding up of companies.	Payment of workers terminal benefits first in the event of insolvency or winding up of companies.
One year qualifying service for maternity leave. Only three pregnancies with one employer. The law is silent on miscarriage and stillbirth No right to antenatal days for pregnant mothers No right to paternity leave for men	Unconditional right to maternity leave. Increase in breastfeeding time from 1 hour in 6 months to 3 hours in 18 months. No hazardous work for pregnant and nursing mothers. 6 weeks maternity leave after miscarriage or stillbirth  Provision of paid antenatal days for pregnant mothers.  14 days paid paternity leave for husband
No right to paid educational leave except in the Public Service	Paid educational leave for workers to enhance efficiency
No provision of working place and time for workers representatives to attend to workers grievances	Allocation of an office with equipment and appointment of full time shop steward at the workplace
Victimization of workers representatives	Immunity of workers representatives against all forms of victimization
Undue interference by the Minister: -  Minister has power to control and regulate trade union elections, postpone or change venue of trade union, power to set aside union elections, fixing qualifications for officers of trade unions, change procedures for conducting an election, regulate, collection and use of union dues, interference in approving and amending collective bargaining agreements, investigate trade unions, imposition of levies on trade unions, sweeping powers to make law.	No to ministerial interference in trade union work. Collective bargaining agreements must be binding and effected as per the parties agreement. Labour regulations must be made after consultations