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Check

Decent Work Check Zimbabwe is a product of WageIndicator.org and
www.mywage.org/zimbabwe



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





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- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



10/13 Fair Treatment

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment, promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
Age		<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
Language		<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41. In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43. I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46. I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Zimbabwe scored 40 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.

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01/13 Work & Wages

Regulations on work and wages:

Labour Act 1985, last amended in 2015

Minimum Wage

In accordance with the Labour Act 1985, the Minister has the authority to specify the minimum wage and benefits for any class of employees in any undertaking or industry; require employers to grant or negotiate increments on annual income of such minimum amount or percentage as he/she may specify; and prohibit the payment of less than such specified minimum wage, benefits or increments to such class of employees. The Minister may appoint advisory councils to investigate and make recommendations to him or her, in connection with wages, salaries or benefits, on the fixing of minimum wages and benefits for employees or any other matters that may relate to minimum wage notice.

Minimum wages are usually issued for industries not covered by the employment councils. Criteria for establishing minimum wage have not been determined by the Labour Act.

Compliance of minimum wage is ensured by the labour inspectorate. If an employee is earning less than minimum wages, he/she can complain to the Ministry of Labour Officials. A person who contravenes a notice issued by the Minister is liable to pay a fine not exceeding level seven and/or imprisonment for a period of two years.

Source: §20(1), 21. 25(a) & 27 of the Labour Act 1985

Regular Pay

In accordance with the Labour Act 1985, wages should be paid at regular intervals on working days at or near the workplace directly to the employee unless stated otherwise. Remuneration payable in money should not be paid to an employee by way of promissory notes, vouchers, coupons, liquor etc.

Remuneration in kind cannot substitute entirely for remuneration in money. In-kind payment is allowed only in following conditions: if it is appropriate for the personal use and benefit of the employee and the employee's family; the value attributed to such payment is fair and reasonable; equipment or clothing required to protect the health and safety of the employee must not be computed as part of the remuneration of the employee; payment is not made in the form of liquor or drugs; and the remuneration in kind cannot substitute entirely for remuneration in cash.

Employer is, generally, not allowed to deduct wages except in certain cases provided by the law. The aggregate amount of permissible deductions that may be made from the remuneration of any employee in any pay interval may not exceed 25% of the employee's gross remuneration for that interval.

Source: §12(A) of the Labour Act 1985

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02/13 Compensation

Regulations on compensation:

Labour Act 1985, last amended in 2015

Overtime Compensation

In accordance with the Labour Act, Minister for Labour may issue regulations regarding overtime, shift work and night work. Normal working hours for young workers and domestic workers are 6 hours and 9.5 hours per day respectively. Overtime may be regulated under Collective Bargaining Agreement. No such regulation could be located. The Normal working hours for adult workers are not clearly defined in the Labour Act.

Overtime rates are determined by the National Employment Councils through a Collective Bargaining Agreement. The minimum overtime rate is 150% of the normal wage rate when workers have to work beyond normal working hours, as determined by the National Employment Councils. The standards working hours are 8.5 hours a day and 44 hours a week.

Source: §17(3)(C & J) & 74(3)(E) of the Labour Act 1985; §4(1)(a) of the Labour Relations (Employment of Children and Young Persons) Regulations; §5 of the Labour Relations (Domestic Workers) Employment Regulations

Night Work Compensation

In accordance with the Labour Act, Minister for Labour may issue regulations regarding overtime, shift work and night work. Overtime may be regulated under Collective Bargaining Agreement. No such regulation could be located.

Source: §17(3)(C & J) of the Labour Act 1985

Compensatory Holidays / Rest Days

There is no provision for compensatory holiday for workers working on a weekly rest day or public holiday.

Weekend / Public Holiday Work Compensation

Workers may be required to work on weekends or public holidays. There is a premium pay for working on Public Holidays (to be determined by a decree). When a worker performs work on Public Holidays, he receives wages at a premium rate of 200% of his current remuneration for that day. There is no provision in the law of wages at a premium rate on working on weekly rest days.

Source: §14(C)(3) of the Labour Act 1985

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03/13 Annual Leave & Holidays

Regulations on annual leave and holidays:

Labour Act 1985, last amended in 2015

Paid Vacation / Annual Leave

The Labour Act provides paid annual leave on completion of one year of service with an employer. An employee is entitled to vacation leave at the rate of one twelfth (30 calendar days; 22 working days) of his qualifying service in each year of employment, unless more favourable provisions are provided in employment contract or collective agreement.

Vacation leaves provided by the Labour Act are paid, no further specification related to pay level is provided by the law.

Annual leave are subject to a maximum accrual of ninety days' paid vacation leave only if an employee is granted a portion of the total vacation leave which may have accrued to him/her. The employee may be granted the remaining portion at a later date, together with any further vacation leave which may have accrued to him at that date, without forfeiting any such accrued leave.

All Saturdays, Sundays and public holidays falling within a period of vacation leave are counted as part of vacation leave. An employee who becomes ill or is injured during a period of vacation leave may cancel his vacation leaves and applies for sick leave. Where an employee has no vacation leave Accrued, he may be granted vacation leave without Pay.

Source: §14(A)(2) of the Labour Act 1985

Pay on Public Holidays

Workers are entitled to paid holidays during Festival (public and religious) holidays. Employee is paid his/her current remuneration for that day if it occurs on a day on which he/she would otherwise have been required to work.

Public Holidays in Zimbabwe are 11 in number. They include: New Year's Day (1 January), Good Friday, Easter Saturday, Easter Monday, Independence Day (18 April), Workers' Day (1 May), Africa Day (25 May), Heroes & Defence Forces Days (2nd week of August), Unity Day (22 December), Christmas Day (25 December), and Boxing Day (26 December).

Source: §14(C)(2) of the Labour Act 1985

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Weekly Rest Days

Workers are entitled to 24 consecutive hours of rest per week. Weekly rest days can either be same every week or as agreed by employer and employee.

No provision could be located in law regarding rest breaks and daily rest period.

Source: §14(C)(1) of the Labour Act 1985

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04/13 Employment Security

Regulations on employment security:

Labour Act 1985, last amended in 2015

Written Employment Particulars

Every employer, upon engagement of an employee, should provide him, in writing, the terms and conditions showing name and address of the employer, contract duration, probation terms, terms of employment, employee's remuneration and its intervals, benefits provided in sickness or pregnancy, hours of work and other bonus and incentives.

The employment contract that does not specify its duration and or date of termination is a contract concluded for an indefinite period. The duration and the date of termination are provided in case of casual work or seasonal work or for the performance of specific service.

Source: §12(2) of the Labour Act 1985

Fixed Term Contracts

Zimbabwe's Labour Act does not allow hiring fixed term contract workers for tasks of permanent nature.

Source: <http://www.doingbusiness.org/data/exploretopics/labor-market-regulation#difficultyHiring>

Probation Period

Labour Act specifies maximum probationary period (single, non-renewable probationary period) as:

- One day in the case of casual work or seasonal work; or
- Three months in any other case

Either party may terminate the employment contract by providing notice period of either one week in case of casual or seasonal work or two weeks in any other case.

Source: §12(5) of the Labour Act 1985

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Notice Requirement

Either party can terminate a contract by serving a notice. The employer is not allowed to terminate the employee without just-cause. The employer must comply with the employment code or model code while terminating, otherwise the dismissal is considered unfair.

According to the Labour Act 1985, notice period depends on a period of contract as follows:

- 3 months in the case of a contract without limit of time or a contract for a period of two years or more;
- 2 months in the case of a contract for a period of one year or more but less than two years;
- 1 month in the case of a contract for a period of six months or more but less than one year;
- 2 weeks in the case of a contract for a period of three months or more but less than six months;
- 1 day in the case of a contract for a period of less than three months or in the case of casual work or seasonal work

During the probationary period, the notice for contract termination, given by either party, may be one week (in the case of casual or seasonal work) and two weeks (for other types of employment).

Under a July 17 2015 Supreme Court ruling, employers now have the right to terminate an employment contract by just giving the employee a three month-notice period, without any retrenchment costs. This has led to a wave of dismissals. The Zimbabwean Parliament is contemplating on making amendments in the Labour Act and requires employers to terminate a contract of employment on three grounds: for disciplinary reasons in terms of a code of conduct; if the employer and employee agree; or if the employee has been engaged on a fixed-term contract for a specified task. If none of these three reasons apply, the employer has to go through a formal retrenchment process.

Source: §12(4 & 5) of the Labour Act 1985

Severance Pay

In accordance with the Labour Act, severance pay is available only for collective dismissals for economic reasons, i.e., retrenchment. Although Retrenchment Board fixed the severance pay differently depending on the ability of the organization to pay, the most usual is 03 months pay for one year of service.

Source: §12(C & D) of the Labour Act 1985

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05/13 Family Responsibilities

Regulations on family responsibilities:

Labour Act 1985, last amended in 2015

Paternity Leave

No specific paternity leave entitlements are found in the labour code. However, special leave entitlements as identified under section 14B may be used. Employees may request for up to 12 calendar days special leave for personal reasons that affect their immediate family (death of a spouse, parent, child, legal dependent or on any other justifiable compassionate ground).

Source: §14(B) of the Labour Act 1985

Parental Leave

No specific leave entitlements found in the law on parental leave.

Flexible Work Option for Parents / Work-Life Balance

No provisions could be located in the law supporting work-life balance for parents or workers with family responsibilities.

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06/13 Maternity & Work

Regulations on maternity and work:

Labour Act 1985, last amended in 2015

Free Medical Care

No statutory pregnancy related medical benefits are identified. A general health care program exists for low-paid workers to provide free primary health care. Rural areas are served by the Government and mission hospitals and urban areas are served by the government and private hospitals.

Source: ISSA Country Profile for Zimbabwe 2013

No Harmful Work

There is no provision in the law which prohibits employers from giving such work to pregnant workers which is harmful to their health.

Maternity Leave

Labour Relation Act provides maternity leave upon production of a medical certificate. Female employees are granted maternity leave for a period of 98 days on full pay. A female employee may proceed on maternity leave not earlier than the forty-fifth day and not later than the twenty-first day prior to the expected date of delivery.

Paid maternity leave is granted only once during any period of twenty-four months calculated from the day any previous maternity leave granted. Law also limits the number of times (to three only) when maternity leave can be availed by a worker while working with a specific employer.

Source: §18 of the Labour Act 1985

Income

Maternity leave is awarded with full pay to the woman worker who must have served an enterprise for at least 12 months prior to availing the maternity leave.

The employee is eligible for maternity benefits thrice with the same employer and only once during a 24-month period calculated from the day the previous maternity leave was approved.

Source: §18 of the Labour Act 1985; ISSA Country Profile Zimbabwe, 2017

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Protection from Dismissals

There is no specific provision in the law granting a worker protection from dismissals. However, it is implied from section 18(7) that right of protection from dismissals is guaranteed under the law.

Source: §18(7) of the Labour Act 1985

Right to Return to Same Position

During the period when a female employee is on maternity leave, her normal benefits and entitlements, including her rights to seniority or advancement and the accumulation of pension rights, shall continue uninterrupted in the manner in which they would have continued had she not gone on such leave, and her period of service shall not be considered as having been interrupted, reduced or broken by the exercise of her right to maternity leave. This gives a woman worker the right to return to same position after availing her maternity leave.

Source: §18(7) of the Labour Act 1985

Breastfeeding/ Nursing Breaks

Female workers are entitled to paid nursing breaks (at least one hour or two 30-minute breaks) for the period during which she actually nurses her child or six months, whichever is the lesser. The breast-feeding/nursing breaks can be combined with the normal breaks an employee receives. However, the grant of such break is to be done without disrupting the normal production process in an enterprise.

Source: §18(8-11) of the Labour Act 1985

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07/13 Health & Safety

Regulations on health and safety:

Labour Act 1985, last amended in 2015

Factories and Works (General) Regulations, 1976 Statutory Instrument 263 of 1976

Employer Cares

Under Constitution, every employee is entitled to just, equitable and satisfactory conditions of work.

In accordance with the Labour Act, the employer cannot compel any employee to work under any conditions or situations which are below those prescribed by law or by the conventional practice of the occupation for the protection of such employee's health or safety.

It is a duty of an employer to ensure safety and health of workers by adopting measures and procedures required in the workplace.

Workers must also comply with the OSH related requirements and take reasonable steps to protect their own safety and health.

Source: §65(4) of the Constitution of Zimbabwe; §6(1)(d) & 65(4) of the Labour Act 1985; Third Schedule of the National Social Security Authority (Accident Prevention and Workers' Compensation Scheme) Notice, 1990 (S.I. 68 of 1990)

Free Protection

In accordance with the Factories and Works (General) Regulations, it is obligatory for an employer to supply, free of charge, and maintain in good condition, adequate protective clothing and appliances, as may be required by the inspector, including head-covering, gloves, leggings, foot-wear, eye-protection and protective ointments of a type approved by the inspector, to each employee who is exposed to wet or dusty, cold or hot conditions, or to any poisonous, corrosive or other dangerous substances.

The employer must also supply, free of charge, and maintain in good condition, suitable goggles or face-shields and respirators to all employees engaged in operations which expose them to glare, the danger of a foreign body entering the eye or any other dangerous substance liable to cause injury or disease.

In accordance with Statutory Instrument 68 of 1990, it is also the duty of the employer to ensure that equipment, protective devices, safety measures or health services as may be prescribed, are provided and maintained in good condition.

Source: §8 of Factories and Works (General) Regulations 1976; Third Schedule of the National Social Security Authority (Accident Prevention and Workers' Compensation Scheme) Notice, 1990 (S.I. 68 of 1990)

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Training

An employer is required to provide written instructions on safety measures in a manner or language understood by the majority of workers. Similarly, it requires that workers should be provided with the safety training and get released to attend such training during working hours and at an employer's expense. It is obligatory for an employer to provide information, instruction and supervision to a worker to protect his/her health and safety. However, there is no clear provision in the law requiring employer to provide training periodically to new workers once they start working.

Source: Third Schedule of the National Social Security Authority (Accident Prevention and Workers' Compensation Scheme) Notice, 1990 (S.I. 68 of 1990)

Labour Inspection System

Inspections are carried out by the Labour Inspectorate from Ministry of Labour. The inspections are carried out in terms of Statutory Instrument 154 of 2003 and the Labour inspector will complete an inspection form which will be signed by both the Labour inspector and the employer representative. However, the labour Inspection system is not in accordance with the provisions of C081.

The Factories and Works Act requires inspectors to ascertain whether the provisions of the Act are being complied with, to enter any factory or any premises where structural work is being performed or a lift or elevator is installed and make such examination and inquiry as necessary.

The legislation authorises inspectors to issue notices to a local authority where they find any act or default in relation to any drain, sanitary convenience, water supply, lighting, ventilation, nuisance or other matter in a factory which is liable to be dealt with by the local authority.

Source: §4-6 of the Factories and Works Act; Statutory Instrument 154 of 2003

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08/13 Sick Leave& Employment Injury Benefits**Regulations on sick leave& Employment Injury Benefits:**

Labour Act 1985, last amended in 2015

Accident Prevention and Workers' Compensation Scheme, 1990

Income

In accordance with the Labour Act 1985, if an employee is provided sick leave if sickness is preventing him/her from fulfilling the duties. A worker is entitled to sick leave for up to 6 months if he has a certificate from the qualified doctor. An employer may dismiss an employee if the employee is on sick leave for more than 6 months. Employer may provide paid sick leave during any one-year period of service as follows:

- 100% of wages during the first three months of sick leave;
- 50% of wages for further three months.

During sickness, an employee may avail accrued vacation leave instead of sick leave in half pay or without pay.

Source: §14 of the Labour Act 1985; ISSA Country Profile Zimbabwe, 2017

Medical Care

The scheme pays all medical expenses related to the injury at work. It also includes provision of transport and artificial appliances. However, the payment of expenses such as drugs, hospitalisation and surgical procedures are made using the ruling Association of Health Funders of Zimbabwe (AHFoZ) rates.

Job Security

Employment of a worker is secure during the period of sick leave, i.e., six months.

Source: §14(4) of the Labour Act 1985

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Disability / Work Injury Benefit

It covers persons employed in the private sector, local authorities, and parastatals. Work injuries are divided into four categories: (i) Temporary disability (ii) Partial disability (iii) Permanent disability (iv) fatal injury leading to death of a worker.

In the case of temporary disability, temporary disablement benefit at a rate of 100% of monthly covered earnings is paid for the first 30 days; thereafter, 51% of monthly earnings for total of 18 months.

A lump sum is paid if the insured has a partial degree of disability of 30% or less.

In the case of permanent incapacity/disability (over 30% disability), the insured worker's pension amount is 51% of the insured's monthly basic earnings multiplied by the assessed degree of disability. The minimum monthly disability pension is US\$45.

In the case of death of a worker, 66.7% of the deceased's pension is paid to a dependent widow(er) or dependent's allowance is paid to dependent parents, brothers, and sisters for the death of an unmarried worker. Also, child's supplement (paid till a child reaches the age of 19 years) at the rate of 12.5% of the insured's pension is paid to the first child; 5% each to the second to the fifth child. Survivors' benefits also include funeral grant as determined by N SSA (min. US\$300). Survivors' pension ceases on remarriage (for a widow/widower) and a lump-sum of 24 months' pension is paid. (ref: www.nssa.org.zw)

Source: ISSA Country Profile Zimbabwe, 2017

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09/13 Social Security

Regulations on social security:

Labour Act 1985, last amended in 2015

Pension Rights

For full pension, a worker must have attained 60 years of age (same for men and women) with at least 120 months (10 years) of contributions. The required age is 55 in case of arduous work. There is also an option of deferred pension where pension can be deferred till the age of 65 years.

The old-age pension is 1.33% of monthly earnings in the month before retirement multiplied by the number of years of contributions up to 30 years plus 1% of monthly covered earnings multiplied by the number of years of contributions exceeding 30 years. The minimum monthly pension is US\$60.

Source: ISSA Country Profile Zimbabwe, 2017

Dependents' / Survivors' Benefit

Pension Laws provide survivors' benefit to the dependents if the deceased received or was entitled to receive an old-age or disability pension. Eligible dependents include widow/widower, children younger than age 18 (age 25 if a student, no limit if permanently disabled), parents, and other dependents. If there is no widow(er), dependent children are paid through the legal guardian.

Survivors' benefit (for widow/widower and children) is 40% of the old age or disability pension a deceased worker received or was entitled to receive. If there are no surviving children, 12% of the deceased worker's pension is paid to the deceased worker's parents. If there is no surviving parent, 8% is paid to other eligible dependents. The minimum monthly survivor benefit is \$30.

Source: ISSA Country Profile Zimbabwe, 2017

Unemployment Benefits

Unemployment benefits are not provided under the Labour Act 1985. A means-tested and non-contributory public assistance program is administered to provide financial help to the unemployed citizens.

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Invalidity Benefits

Invalidity benefit is given in the case of non-occupational accident/injury/disease resulting into permanent invalidity. In order to avail invalidity benefit, a worker must be younger than 60 years, must be assessed with a permanent incapacity for work and have at least one year of contributions. The pension is 1% of the average annual earnings an employee received before the disability began multiplied by the number of years of contributions up to 10 years.

With 10 or more years of contributions, the pension is 1.33% of the insured's monthly covered earnings in the month before the disability began multiplied by the number of years of contributions up to 30 years plus 1% of the monthly covered earnings multiplied by the number of years of contributions exceeding 30 years.

Source: ISSA Country Profile Zimbabwe, 2017

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10/13 Fair Treatment

Regulations on fair treatment:

Constitution of Zimbabwe (Amendment) Act, 2013

Labour Act 1985, last amended in 2015

Equal Pay

Labour Act prohibits discrimination in wages on the basis of sex. Labour Code also prohibits discrimination against a current or prospective employee on grounds of race, tribe, place of origin, political opinion, colour, creed, gender, pregnancy, HIV/AIDS status, any disability in relation to the determination or allocation of wages and salaries.

Constitution supports the principle of equal pay to male and female employees for work of equal value. Constitution also supports the right to equal pay for equal work.

Source: §65(6) of the Constitution of Zimbabwe (Amendment) Act, 2013; §5(2)(a) of the Labour Act 1985

Sexual Harassment

Labour Act prohibits sexual harassment at the workplace. Sexual harassment is considered one of the "unfair labour practices" and an employer can be held liable for civil remedies only. Labour Act strictly prohibits asking for sexual favours for the recruitment for employment; or the creation, classification or abolition of jobs or posts; or the improvement of the remuneration or other conditions of employment of the employee; or the choice of persons for jobs or posts, training, advancement, apprenticeships, transfer, promotion or retrenchment; or the provision of facilities related to or connected with employment; or any other matter related to employment.

No penalties have been specified for the perpetrators in the Labour Act.

Source: §8(g) of the Labour Act 1985

Non-Discrimination

In accordance with the Constitution, there cannot be any discrimination on the ground of nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic/social status.

Labour Act 1985 requires that employers or other persons can't discriminate (in the employment related matters) on the following grounds: "Race, tribe, place of origin, political opinion, colour, creed, gender, pregnancy, HIV/AIDS status or on the basis of disability".

Source: §56(3) of the Constitution of Zimbabwe; §5 of the Labour Act 1985

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Equal Choice of Profession

Women can work in the same industries as no restrictive provisions could be located in the law. In accordance with the Constitution, every person has the right to choose and carry on any profession, trade or occupation, but the practice of a profession, trade or occupation may be regulated by law.

Sources: §64 of the Constitution of Zimbabwe

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11/13 **Minors & Youth****Regulations on minors and youth:**

Constitution of Zimbabwe (Amendment) Act, 2013

Labour Act 1985, last amended in 2015

Minimum Age for Employment

Minimum age for apprenticeship and for other employment is 16 years. The Zimbabwean Government while ratifying convention 138 on minimum age in year 2000 specified the minimum age as 14 years.

Source: §11(1) of the Labour Act 1985; §3 of the Labour Amendment Act, 2015

Minimum Age for Hazardous Work

Minimum Age for Hazardous Work, which is likely to jeopardise the child health, safety or morals, is set as 18 years. The constitution also requires the state to take appropriate legislative measures to protect children from exploitative labour practices and ensure that children are not engaged in work that is inappropriate to their age and places at risk their well-being, education, physical or mental health and spiritual, moral or social development. The Constitution further states that every child below eighteen years of age has a right to be protected from economic and sexual exploitation, from child labour, from maltreatment, neglect or any form of abuse; and education, health care services, nutrition and shelter.

Source: §19 & 81 (e & f) of the Constitution of Zimbabwe (Amendment) Act, 2013; §11(4) of the Labour Act 1985

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12/13 Forced Labour

Regulations on forced labour:

Constitution of Zimbabwe (Amendment) Act, 2013

Labour Act 1985, last amended in 2015

Prohibition on Forced and Compulsory Labor

Forced/compulsory labour is prohibited and outlawed under the Constitution and Labour Act. In accordance with the Labour Amendment Act 2015, forced labour means any work or services which a person is required to perform against his or her will under the threat of some form of punishment.

If a person does not comply with the regulations provided by labour act, he/she is guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

Trafficking in Persons Act provides for the prohibition, prevention and prosecution of the crime of trafficking in persons and the protection of victims of trafficking; and to establish an Anti-Trafficking Inter-Ministerial Committee and provide for its composition and functions.

Source: §54-55 of the Constitution of Zimbabwe (Amendment) Act, 2013; §4(C) of the Labour Act 1985; Trafficking in Persons Act No. 4 of 2014; §2 of the Labour Amendment Act, 2015

Freedom to Change Jobs and Right to Quit

Workers have the right to change jobs after serving due notice on their employer. For more information on this, please refer to the section on employment security.

Source: §12(4 & 5) of the Labour Act 1985

Inhuman Working Conditions

Working time may be extended beyond normal working hours determined by Ministry of Labour. Normal working hours for young workers and domestic workers are 6 hours per day and 9.5 hours per day respectively. Overtime may be regulated under Collective Bargaining Agreement.

For more information on this, please refer to the section on compensation.

Source: §17(3)(C & J) & 74(3)(E) of the Labour Act 1985; §4(1)(a) of the Labour Relations (Employment of Children and Young Persons) Regulations; §5 of the Labour Relations (Domestic Workers) Employment Regulations

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13/13 Trade Unions

Regulations on trade unions:

Constitution of Zimbabwe (Amendment) Act, 2013

Labour Act 1985, last amended in 2015

Freedom to Join and Form a Union

The Constitution of Zimbabwe allows freedom of association to all, provided that no person may compel any other person to join an association or to attend a meeting or gathering. Except for those in security services, workers are allowed to form unions and to participate in the lawful activities of those unions and organisations.

In accordance with the Labour Act, any group of employees may form or join a trade union or employer's organization. Also, any group of trade unions or employers organizations may form a federation. The trade union is any association or organization formed to represent or advance the interests of any employees or class thereof in respect of their employment.

The union, within six months on its formation, must adopt a written constitution and submit its two copies to the Minister. Any further amendments in constitution can be submitted within a month.

Union members apply for registration by submitting an application (prescribed form) for registration to the registrar along with a copy of constitution or operational rules. The registrar publishes a notice in the Gazette and within 30 days of publication, the union gets registered.

The employer can deduct union dues from the worker's wages and transfer it to the trade union.

Source: §58 & 65(2) of the Constitution of Zimbabwe (Amendment) Act, 2013; §27-55 of the Labour Act 1985

Freedom of Collective Bargaining

The Constitution recognizes the right to collective bargaining for all the workers except those who belongs to security services. Right to collective bargaining by registered trade unions, employers and employers organizations or federations is also recognized and regulated by Labour Act 1985.

In accordance with the Labour Act, collective bargaining agreement (CBA) is an agreement negotiated in accordance with this Act which regulates the terms and conditions of employment of employees. A CBA usually provides better benefits to the worker than those provided in the law. If a CBA has provisions which are less favourable than those provided under the law, it cannot be enforced.

Parties negotiating for CBA must be represented by committees, delegates or agents. The negotiation must take place in good faith and they should disclose all the relevant information honestly.

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The CBA is submitted to registrar for registration and then the Minister publishes it as a statutory agreement. A CBA becomes valid from the date of publication, unless otherwise stated in it. A copy of CBA is provided to each party and posted in a conspicuous place. A copy of CBA is also made available for examination, free of charge, on request.

CBA binds the parties to the agreement, including all the members of such parties, and all employers, contractors and their respective employees in the undertaking or industry to which the agreement relates; regardless of any change of employer or ownership or union members. The agreement is binding until it expires and get substituted by another agreement or it get terminated upon mutual agreement.

National Employment Councils (NECs), representative bodies of employer and employee organizations, consists of four structures: the Council, the Executive Committee, the Negotiating Committee, and the Local Joint Committee. Central to these structures are Designated Agents (DA) and Arbitrators who are responsible for resolving disputes in terms of the Labour Act. Thus, industry level bargaining takes place within the framework of the NEC. The NECs also negotiate the minimum wage for all industrial sectors through a bipartite agreement between employers and labor unions.

Source: §65(5) of the Constitution of Zimbabwe (Amendment) Act, 2013; §74-82 of the Labour Act 1985

Right to Strike

Right of collective job action in the form of a strike, boycott, lock-out, sit-in or sit-out, or other such concerted action is recognized and is regulated under the Constitution and Labour Act 1985. Although Labour Act maintains the list of essential services and no collective job action may be recommended or engaged in by the persons who are engaged in an essential service however, it requires employers not to punish the striking workers and prohibits hiring of replacement workers. Law restricts the exercise of this right in order to maintain essential services

Peaceful strike is allowed only after all the methods of dispute resolution (negotiation, conciliation and arbitration) fail. Union members must inform the employer, relevant council and the opposition party in writing at least 14 days prior to proposed date of strike. Reason for the strike is also mentioned in the written notification.

Strike is considered illegal if it is not peaceful and does not comply with the provisions of Labour Act. A registered trade union or workers committee may authorises a picket, i.e., peacefully persuading other workers to participate in a strike.

Source: §65(3) of the Constitution of Zimbabwe (Amendment) Act, 2013; §102-111 of the Labour Act 1985

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01/13 Work & Wages**ILO Conventions on Work and Wages**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Zimbabwe has not ratified the Convention 95, 117 & 131.

Minimum wage

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover it must relate reasonably to the general level of wages earned and the living standard of other social groups.

Regular Pay

Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

02/13 Compensation**ILO Conventions on Compensation**

Compensation overtime: Convention 01 (1919); Night work: Convention 171 (1990)

Zimbabwe has not ratified the Convention 01 & 171.

Overtime Compensation

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

Night Work Compensation

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

Compensatory Holidays/Rest Days

If you have to work on a national/religious holiday or a weekly rest day, you should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

Weekend/Public Holiday work Compensation

If you have to work during the weekend, you should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if you have to work on a public holiday, you must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take your right to a holiday/ rest.

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03/13 Annual Leave & Holidays**ILO Conventions on weekly rest days and paid annual leave**

Convention 132 (1970) on Holidays with Pay Convention Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days. In addition, for several industries, different Conventions apply.

Zimbabwe has ratified the Convention 14 only.

Paid Vacation/Annual Leave

An employee is entitled to at least 21 consecutive paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

Pay on Public Holidays

You should be entitled to paid leave during national and officially recognized public holidays.

Weekly Rest Day

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7 day period, i.e., a week

04/13 Employment Security**ILO Conventions on employment termination**

Convention 158 (1982) on employment termination

Zimbabwe has not ratified the Convention 158.

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

Written Employment Particulars

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contracts

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

Probation Period

A reasonable probation period must be provided to a worker to learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

Notice Requirement

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Severance Pay

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

05/13 Family Responsibilities

ILO Conventions on family responsibilities

Convention 156: Workers with Family Responsibilities Convention (1981)

Recommendation 165: Workers with Family Responsibilities (1981)

Zimbabwe has not ratified the Conventions 156 & 165.

Paternity Leave

This is for the new fathers around the time of child birth and is usually of shorter duration.

Parental Leave

The accompanying recommendation (No. 165) to ILO Convention on Family Responsibilities provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance

Recommendation 165 asks for looking into measures for improving general working conditions through flexible work arrangements.

06/13 Maternity and Work

ILO Conventions on maternity and work

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Zimbabwe has not ratified both Conventions 103 & 183.

Free medical care

During pregnancy and maternity leave, you should be entitled to medical and midwife care without any additional cost.

No harmful work

During pregnancy and while breastfeeding, you should be exempt from work that might bring harm to you or your baby.

Maternity leave

Your maternity leave should last at least 14 weeks.

Income

During maternity leave, your income should amount to at least two thirds of your preceding salary.

Protection from Dismissals

During pregnancy and maternity leave, you should be protected from dismissal or any other discriminatory treatment.

Right to return to same position

Workers have the right to return to same or equivalent position after availing maternity leave.

Breastfeeding/Nursing Breaks

After child birth and your rejoining your organization, you must be allowed paid nursing breaks for breastfeeding your child.

07/13 Health & Safety

ILO Conventions on Health and Safety

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here. Labour Inspection Convention: 81 (1947)

Zimbabwe has ratified both Conventions 81 & 155.

Employer cares

Your employer, in all fairness, should make sure that the work process is safe.

Free protection

Your employer should provide protective clothing and other necessary safety precautions for free.

Training

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Labour Inspection System

You and your colleagues should receive training in all work related safety and health aspects and you should have been shown the emergency exits.

08/13 Sick Leave & Employment Injury Benefits

ILO Conventions on Sickness and Employment Injury

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Zimbabwe has not ratified the Conventions 102, 121 & 130.

Income/Paid Sick Leave

Your rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally you should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). You should be entitled to paid sick leave.

Medical Care

During illness, you should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

Job security

During the first 6 months of your illness, you should not be fired.

Disability/Work Injury Benefit

Whenever you are disabled due to an occupational disease or accident, you ought to receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

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09/13 Social Security**ILO Conventions on Social Security**

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Zimbabwe has not ratified the Convention 102, 121, 128, 130 & 168.

Pension Rights

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

Dependent's/Survivors' Benefit

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

Unemployment Benefit

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity Benefits

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidation Benefit must at least be 40% of the reference wage.

10/13 Fair Treatment**ILO Conventions on Fair Treatment**

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Zimbabwe has ratified both Conventions 100 & 111.

Equal Pay

At workplaces equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Sexual Harassment

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

Non-Discrimination

Your employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

Equal Choice of Profession

People have the right to work and there can't be occupational segregation on the basis of gender.

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11/13 Minors & Youth**ILO Conventions on Minors & Youth**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Zimbabwe has ratified both Conventions 138 & 182.

Minimum Age for Employment

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Minimum Age for Hazardous Work

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

12/13 Forced Labour**ILO Conventions on Forced/Bonded labour**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Zimbabwe has ratified both Conventions 29 & 105.

Prohibition on Forced and Compulsory labour

Except for certain exceptions, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Freedom to change jobs and Right to quit

Employers have to allow you to look for work elsewhere. If you do, you should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

Inhumane Working Conditions

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

13/13 Trade Union**ILO Conventions on Trade Union Rights**

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

Zimbabwe has ratified both Conventions 87 & 98.

Freedom to join and form a union

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Freedom of Collective Bargaining

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Right to Strike

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

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About Decent Work and Decent Work Check

Compare your own situation with the international labour standards and how they are applied in Zimbabwe. At the end of the checklist you will see how things stand for you. You may be better off than what the international standards prescribe, but you should not be worse off. Behind every answer, you can find a short explanation of what your rights are; nationally and internationally. So you see right away if you can improve your situation.

The Decent Work Check makes the pretty abstract Conventions and legal texts tangible. Because, in the end, you want to know what your rights on the job mean in practice, what you may claim and what protection you are entitled to in case something unexpectedly does go wrong. The Decent Work Check employs double comparison system. It first compares national laws with international labour standards and gives a score to the national situation (happy or sad face). It allows workers to compare their real situation with national regulations in the country. Workers then compare their own score both at national and international levels. The Decent Work Check is based on de jure labour provisions, as found in the labour legislation. The real practice is informed by the employees themselves. This Check is different from other indices like World Bank's Doing Business Indicators or even ISSA's Social Security Programs throughout the World as it is not only descriptive in nature (bereft of any subjective opinions) but also that it covers a lot of different variables. The Revised Decent Work Check is also designed while taking into account upcoming Decent Work Indicators. While Decent Work Indicators focus more on statistics, our priority is informing workers about their rights through this Decent Work Check. Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work.

WageIndicator teams, around the world, have found out that workers, small employers and labour inspectors don't even know the labour law.

When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector). As soon as you complete the DecentWorkCheck, you see which issues need improvement in your work life.

This is exactly the strategy chosen in the debates in many WageIndicator countries. In the debates with roughly 20-30 people around the table from all sides, the decent Work Check has soon the effect of a mini social dialogue. The people who run the dialogue are equally well informed.

The international labour standards are laid down in ILO-Conventions. ILO is the specialised body of the United Nations working on labour issues and was founded in 1919. In the ILO, negotiations are always going on between governments of the member states, national trade unions and employers associations regarding work related issues like rights at work and social protection. These negotiations may take years, but eventually lead to so called Conventions or Recommendations. In Conventions, minimum standards are laid down. Conventions are not the law, but the intention is that member states subscribe to the standard in question. The proper way to do that is to have these Conventions ratified by parliament and then make national laws (Some countries may follow the system of self-executing treaties). National law can be enforced. ILO-Conventions are usually accompanied by Recommendations on how to implement the standards.

Since 1999, the ILO works according to the so called Decent Work Agenda. In the meantime, the Decent Work Agenda has been widely accepted as an important strategy to fight poverty and foster development. The Agenda has been incorporated in the Millennium Development Goals of the United Nations. In short, the idea behind Decent Work is first of all an income which allows the working individual a good life. Moreover, at work, everybody has an equal chance to develop themselves; working conditions are safe; there is no instance of child and forced/bonded labour; and discrimination does not occur. Trade unions are allowed a real say in work related matters and the state has created a social safety net for all especially for the sick, weak, elderly and expecting women.

Decent Work Checks are developed and updated by Iftikhar Ahmad, Labour Law Specialist, and Team

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