

# Lack of Social Dialogue, the Force behind Lack of Social Protection of Vulnerable Working Groups. A Study of Zimbabwe Scenario.

Dominic Uzhenyu

Lecturer, Faculty of Commerce and Law, Zimbabwe Open University Harare/Chitungwiza Regional Centre, 3rd Floor West, Main Post Office Building, Cnr Nelson Mandela & Inez Terrace, P. O Box 8306 Harare Zimbabwe

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**Abstract:** Meaningful negotiations in Zimbabwe have failed to come up with a social dialogue platform that is necessary to improve labour relations, socio-economic issues among the three key stakeholders namely, Labour (workers/employees), Business (employers) and the Government (state). The three parties who form the Tripartite Negotiating Forum (TNF) have failed since 1998 to even agree on critical aspects affecting the desired expectations of each of them. The study was a survey which was largely qualitative and used unstructured interviews and unstructured questionnaires. The major results were; there were sharp divisions and differences among the three parties and one of the influential labour body, the Zimbabwe Congress of Trade Unions(ZCTU) had been boycotting meetings for almost the past five years due to its political affiliation which government viewed as an opposition(enemy). Each of the three parties prioritized sectoral interests instead of compromising and putting national interests first. The study recommended that there was need for a paradigm shift in order to have a proper mindset and political will towards Social Dialogue by all the three parties. There was also need for mutual tolerance and compromising among the players including the creation of a TNF Act to provide operational guidelines and controls.

## Definition of key terms

- **Social dialogue**-refers to negotiations involving labour, business and government that are meant to address labour, economic and social issues affecting smooth operations of the three parties, the economy as well as the welfare of all citizens of that country (Zimbabwe). It is perceived as an instrument of democracy, which promotes consensus building for the national good .
  - **Social contract**- becomes unwritten obligations of all the three parties in terms of their roles towards an agreed position on labour or socio-economic matters that affect all the three parties.
  - **Social protection**-policies and programmes designed to reduce poverty and vulnerability by promoting effective labour markets, diminishing workers(people) exposure to health risks and enhancing their capacity to manage economic and social risks such as unemployment, illness, disability and exclusion
  - **Tripartite Negotiating Forum (TNF)**-a selected body comprising all the 3 key parties namely (state) government , business (employers) and labour (workers). Their interactions help to chart the course of labour relations or to look at broader fundamental socio-economic issues. Ideally, all labour policies should reflect a compromise among the social partners so that they are defined or shaped at national level.
  - **Vulnerable groups**-these are workers who can easily be victimized, harmed physically, mentally and emotionally due to lack of protection and security usually by the employer or other influential bodies. These are usually abused, harmed or attacked because they are defenseless, helpless, powerless, impotent, weak or susceptible
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## I. Introduction

This paper gives a detailed report of a study conducted to establish the challenges facing Zimbabwe on Social Dialogue which has been a perennial failure, and to then come up with suggestions to ensure that social dialogue should effectively take place. The major areas covered include; the background information of the study, definition of key terms, statement of the problem, research questions, methodology, research findings conclusions and recommendations.

## II. Background to the Study

Meaningful negotiations in Zimbabwe have failed to come up with a social dialogue platform that is necessary to improve labour relations among the three key stakeholders namely, Labour (workers/employees), Business (employers) and the Government (state).

The Tripartite Negotiating Forum (TNF) has been in existence since 1998 as a voluntary and unlegislated chamber in which social economic matters are supposed to be discussed and negotiated by the

social partners. Issues that have been put on the table since the Economic Structural Adjustment Programme in 1990 and especially during the hyperinflationary period of 2007-2008, included; shrinking formal employment, remuneration earnings below poverty datum line (about USD 540 as at end of September 2015), lack of foreign investment, labour law amendments that should look at means of dealing with retrenchments, workplace security such as medical aid and insurance cover including ways to avert Zimbabwe's tarnished image but no avail to date.

The failure to have such a negotiating platform, has not only adversely affected employment and labour relations in Zimbabwe but on a broader scale, the ailing national economy which is affecting the ordinary worker and citizen. Attempts have previously been made to bring the three parties together and formulate some social protection and economic protocols or policies but to no avail. The two major labour bodies; the Zimbabwe Congress of Trade Unions (ZCTU) and the Zimbabwe Federation of Trade Unions (ZFTU) have different political alignments to the main political parties, MDC-T and the ruling ZANU PF and have failed to speak with one voice for the good cause of workers. This has resulted in workers being vulnerable to exploitation as they do not have adequate social security and protection.

Most big firms in Zimbabwe are multinational corporations (MNCs), with the majority being from the former colonial master, Britain. The economic sanctions imposed by Britain and other developed countries since 2000 has even exacerbated the sour relationship between the social partners in attempts to conduct social dialogue with a view to conclude binding social contracts. Such sanctions have exacerbated Zimbabwe's economic woes.

It is also important to note that in 2007 and 2008, Zimbabwe set one of the ever highest inflation records in the world of around three hundred million percent. Most formal businesses struggled. The majority were actually liquidated and others downsized their operations (Reserve bank of Zimbabwe quarterly report, June 2009).

During this hyper inflationary period, there was economic meltdown which culminated in the dollarization of the Zimbabwean economy in February 2009 under the Government of National Unity (GNU) as the Zimbabwean dollar had been constantly depreciating. A lot of small businesses mushroomed all over the country particularly in the capital city of Harare but majority of these were in the informal sector and they have since not been properly registered even up to today.

According to the Financial Gazette, a weekly newspaper of 6 October 2013 edition, Zimbabwe had one of the highest informal sectors in the world constituting of about 85% employment in the country.

The collapse of the Zimbabwe industry which is still struggling to resuscitate itself, has worsened unemployment rate in the country.

There is no doubt among most right minded people that Zimbabwe needs a national dialogue of Zimbabweans themselves for only Zimbabweans can resolve the current situation. However, this potential dialogue is also facing leadership crisis. Although everyone recognises the need for Social dialogue in Zimbabwe at the moment, seemingly it appears no one is willing to take responsibility.

It is against this background that this researcher was motivated to look into this important area of Social Dialogue on Labour relations in Zimbabwe with a view to see effective dialogue. Such effective dialogue should contribute immensely to improving the country's economic growth and the welfare of vulnerable work groups such as those working in the informal sector or in a lot of unethical organizations which violate labour issues/matters and infringe upon workers rights.

### **III. Statement of the problem**

Attempts to have Social Dialogue platform and mechanism to improve social and economic well being of business, labour and general economy in Zimbabwe have failed despite numerous efforts and attempts since the late 1990s.

Such continued breakdown of Social dialogue has done more harm by contributing to the general economic crisis or malaise that Zimbabwe is currently facing. The economic situation deterioration is affecting especially the ordinary worker despite the nation having potential to be one of Africa's economic giants as it were in the 1990s when the country was dubbed the "bread basket of Africa" due to its agriculture prowess.

There is now a different scenario as Zimbabwe now imports even foodstuffs and is struggling to re-establish itself as a fast developing country and Africa's icon. Workers have become vulnerable groups due to worrying retrenchments and downsizing of most business operations.

Even the International Labour Organisation (ILO) Assistant Director general and newly appointed Africa director, Aeneas Chapinga Chuma, came on his first official visit to Zimbabwe in May 2014, where he met the leadership, government and development partners, was keen to see negotiations resume. His indications were that all stakeholders were eager to resume Social dialogue (Daily News newspaper of 5 May 2014).

It is against this background that this researcher wanted to investigate the challenges of lack of social dialogue in a country which surprisingly has the highest literacy level in Africa of about 93%.

#### **IV. Research questions**

The study which was strongly qualitative had the following research questions (sub-problems) that formed the basis of investigations

- (i) What are the different interests among labour, business and government?
- (ii) How effective is the current structure and system used for Social dialogue in Zimbabwe?
- (iii) Which are the major problems affecting Social dialogue in Zimbabwe?
- (iv) What suggestions could facilitate the creation of an effective and vibrant Social dialogue platform in Zimbabwe?

#### **V. Literature review**

The following newspaper extracts demonstrate the problems in Zimbabwe due to absence of an effective social dialogue platform

##### **War of words between labour body and Reserve bank governor**

There have been lots of clashes and criticism among key stakeholders for close to two decades now and this has created unfavorable conditions to facilitate Social dialogue. Since the turn of the new millennium, the Zimbabwe Congress of Trade Unions (ZCTU), the largest labour body, had been pulling out of the TNF and was heavily criticized by the then Reserve Bank Governor, Dr Gideon Gono in 2004 as he felt that this was derailing economic recovery and growth of the country (Source, [Kubatana.net](http://Kubatana.net) 13/12/2004).

ZCTU pulled out because of the non-adherence of the government to a number of issues raised such as scrapping of the drought and aids levies which workers felt as the responsibility of the government but to no avail. Other hot issues raised were; the arrests and harassment of the ZCTU leadership by state agents and also that the government reneged on previous agreement not to effect any price increases without consultation.

The Reserve Bank of Zimbabwe (RBZ) governor Dr Gono came under fire for suggesting that wage increases fuelled inflation. The following statement released by the ZCTU showed a direct attack on the Governor (Source, [Kubatana.net](http://Kubatana.net) 13/12/2004).

ZCTU can only restrain on its demand for higher wages if and when workers start earning wages that match the Poverty Datum Line (PDL). For Dr Gono to suggest that we should not demand a living wage when the Poverty Datum Line is over \$1 500 000 (Zimbabwe dollar) per month is hypocrisy at its highest order. It is our understanding that Dr Gono, when he started work at the RBZ, reviewed salaries of the bank's workers. Would he have been happy with workers who earn less than the PDL? The Reserve Bank Governor should avoid falling into the category of "Jack of all Trades" and he should stop his "I know all" attitude. (direct quote)

ZCTU were of the opinion that RBZ should tell the oil merchants/dealers to restrain on fuel increases that had a strong effect on the daily increases in prices of commodities. According to ZCTU this was one of the major contributors to inflation. In fact for the workers, the talk of reduction of inflation figures was an empty statement as long as prices increased on a daily basis and ZCTU promised to continue to advocate for quarterly increases in wages as long as workers' wages fell below the PDL. Even to date (February 2015), the ZCTU still stood by that position of trying to align salaries to PDL.

ZCTU also blamed the economic meltdown on the RBZ boss, Dr Gono whom they labeled a hypocrite of the worst order. Zimbabwe's economic crisis started way back in 1997 when the RBZ was still under another governor, Leonard Tumba. Not that Mr Tumba had anything to do with it but political interference in the economy culminated in such a scenario as reflected by the following concerns.

Following the unbudgeted gratuity payments to war veterans in September 1997, the Zimbabwe dollar went on to lose nearly half its value in what came to be known as the Black Friday of November 1997. From then on, all hell broke loose.

The country's intervention in the Democratic Republic of Congo in 1998 compounded by the effects of the haphazard land reform in 2000 which decimated agricultural production, the engine of Zimbabwe's economy, worsened the crisis.

The economy was further worsened by economic sanctions imposed by western countries on alleged human rights violation, corruption by senior government officials, lawlessness and violence which characterized general national elections especially of 2000 which had bloodshed. The situation even deteriorated in the 2008 general elections.

The hyperinflation of 2007/2008 which is one of the highest the world over reached alarming levels of around 300 000 000% (three hundred million) which created serious food shortages, worsened criminal activities in the country, gave rise to informal trading including the illegal/black market for forex dealings, downsizing and liquidation of many companies and loss of confidence by foreign investors.

The last time all the three parties had met under the auspices of the TNF was at the onset of the inclusive government in 2009 when Paurina Mpariwa of the MDC-T political party was appointed the then Labour minister.

Last year in 2014, there were talks of the resumption of the Tripartite Negotiating Forum (TNF) after a five-year absence. This had been welcomed at a time the country is facing numerous problems that include a debilitating liquidity crunch, massive retrenchments and a shrinking tax base. Up to the time of finalizing this report (February 2015) no concrete plan or commitment to resume talks (dialogue) especially on the part of the convener, government, seemed to be in place.

The TNF however could face several obstacles such as the issue of wages. Workers through their representative bodies mainly, ZCTU, ZFTU and the Apex Council, have been advocating for a minimum wage linked to the Poverty Datum Line which currently stands at US\$540, a stance vigorously resisted by employers who feel it is not feasible due to low productivity. The planned controversial Labour laws amendments as enshrined in the new National Constitution of 2013, that should make it easier to fire workers among other issues, could be another borne of contention pitting labour against business and government.

However renowned legal practitioner and arbitrator, Johnlife Mawire says the days of confrontation among the three partners should be over (Source, Zimbabwe Independent 04/07/14).

He said that there should be a stop to the blame game and be forward looking since the environment dictated that they (social partners) sit down and talk. He said the resumption of the TNF was a step in the right direction especially at a time the country was confronted with "severe economic challenges."

Mr. Mawire said there was a need to address various issues including labour law amendments and how to deal with retrenchments. He added that the focus should be not only the retrenchment process itself but the period before and after the exercise. This, Mawire said, will help cushion the lives of retrenches.

The biggest challenge Zimbabwe faces today are not sanctions only. Zimbabwe suffers from a chronic disease called leadership paralysis. This disease is rooted in the political spine but it shuts down the entire economic and social system. To address the economic and social challenges there is need to have to deal with the political challenges first.

The Zimbabwe Agenda for Sustainable Social and Economic Transformation (ZIMASSET), which was the ruling party's (ZANU PF) manifesto in 2013 general elections, could be discussed with variations that could be made to the document to ensure ownership of it by all key stakeholders according to the ZCTU Secretary general, Japhet Moyo (source, the Zimbabwe Independent 04/07/2014).

### **Shocking Supreme Court Labour judgement**

One of the topical issues in Zimbabwe up to date, has been the wave of job losses triggered by a Supreme Court ruling made on 17<sup>th</sup> of July 2015 which validated termination of contracts via three months notices ([www.newsdezeimbabwe.com](http://www.newsdezeimbabwe.com), 17/07/15). This has thrown Zimbabwe's labour relations into turmoil.

This came after the Supreme Court Chief Justice Godfrey Chidyausiku on July 17, 2015 passed a judgement that companies could terminate workers' contracts at any time, without offering them packages by giving them three months' notice without reason to explain their actions.

That Supreme Court judgment recorded as the case of Don Nyamande and Another v Zuva Petroleum (Private) Limited SC 43/15 has caused alarm and consternation amongst trade unions and certain sections of the public.

Within 24 hours of this ruling being handed down, termination notices were flying left, right and centre. What started off as restructuring by privately owned corporations quickly extended into the public sector as well. Parastatals have also been letting some of their employees go at willy-nilly, e.g. ZBC, ZIMPOST Air Zimbabwe etc.

Employers seemed to have heaved a collective sigh of relief. They had been complaining quite vocally through various media that the rigidity of labour laws was robbing them of the flexibility to adjust to the prevailing economic climate thereby robbing them of a competitive edge both in regional and wider international markets.

The legal precedent that followed this decision was that most companies acted on this window and downsized, with over 30 000 workers having since lost their jobs as at the end of September 2015. The provision for this "controversial" 3 months notice had been made into law following on 26 August 2015. It was fast tracked and deliberated in Parliament for only three weeks after politicians felt that there was need to streamline the Supreme Court ruling so that it would be difficult to dismiss any employee as evidenced by the newspaper article below

### **Employers challenge labour law amendments, October 2, 2015**

The Independent newspaper of 2 October 2015, had an article which stated that battlelines were being drawn between government and employers after the Employers' Confederation of Zimbabwe (EMCOZ) filed an

appeal in the High Court on 1 October 2015 against clauses in the Amended Labour Act 28:01 (number 5 of 2015), which had already caused far-reaching implications on labour relations in Zimbabwe.

EMCOZ, representing a significant number of employers, was complaining about a new **Section 12 C(2)** which sets a minimum mandatory/compulsory retrenchment cost for every employer who retrenches one or more employees

Employers were fighting the minimum mandatory retrenchment cost of every employer pegged at three months' notice and two weeks salary for every year served, without considering the ability of employers to pay, among other factors. The use of a pro-rata basis was according to them unrealistic since firms were in different industries and trades and were therefore not homogenous.

Furthermore the blanket forcing of a minimum retrenchment cost was being perceived by EMCOZ as contrary to the rule of law principle as enshrined in the constitution which prohibits arbitrary laws and arbitrary law making. For that clause, Section 12(C)(2) declared unconstitutional and invalid.

The above few cases indicate serious divergent ideas on the labour relations in Zimbabwe and

## **V. Methodology**

The study was based on a survey design. Two research instruments were used namely the interview guide and an unstructured questionnaire. Interviews were conducted which covered all key stakeholders such as Government(3 officials), Business(3) and labour(3), labour relations consultant(1).

The unstructured questionnaire was distributed to all the three parties. Out of 80 questionnaires distributed, 58 were returned which gave a satisfactory response rate of 70%. In both instances, purposive sampling was used to determine the participants

## **VI. Research Findings**

The following findings/results have been collated and synthesized based on the research questions.

### **1.6.1 Different interests among labour, business and government**

The study found out that these differences had a large bearing on the expectations of each party when doing Social Dialogue especially in an underperforming country like Zimbabwe.

#### **1.6.1.2 Workers' interests** cover the need to secure:

- Decent wages/salaries
- Fringe benefits
- Observance of labour rights
- Safe working environment
- Social protection
- Empowerment through improved welfare, involvement and participation
- etc.
- Power
- Freedom of association eg joining freely a workers committee or trade union.

Regardless of a harsh economic environment, workers still were adamant that they should be paid wages in tandem with the Poverty Datum Line of around \$540 when the Reserve Bank Governor, Dr Mangudya and the Zimbabwe Revenue Authority (ZIMRA) Chief executive officer, Mr Gershon Pasi were in actual fact requesting employers to reduce wages and salaries by half given the country's economic plight/hardships.

#### **1.6.1.3 Employers' Interests**

##### **Employers' interests include:**

- Profit making and to ensure mechanisms to maintain a manageable wage/salary
- bill
- Productivity and Business expansion
- Tranquility at workplace
- Prerogative to have final say or determination(Power)
- Increasing shareholders wealth
- Business survival and continuity.

#### **1.6.1.4 Government Interests**

**Government** is interested in:

- Economic growth
- Increased aggregate production
- Luring of foreign investors preferably through smart partnerships
- Economic Empowerment of indigenous people
- Industrial harmony and
- Revenue generation e.g. from taxes (company, sales and income/individual etc).

#### **1.6.2 Current structure and systems used by the Tripartite negotiating forum (TNF).**

##### **1.6.2.1 Social Dialogue approaches in Zimbabwe**

The approach to Social Dialogue is two-pronged. The National Economic Consultative Forum (NECF) under the banner of smart partnership is pursuing the broader initiatives.

Secondly, resolving of national socio-economic problems through negotiations is pursued within the auspices of the Tripartite Negotiating Forum (TNF).

##### **1.6.2.1.1 Tripartite Negotiating Forum (TNF).**

Was established in terms of Paragraph 3(A) of ILO Recommendation 152. The Tripartite consultative meetings are attended by policy-makers from Ministry of Public Service, Labour and Social welfare, the Employers' Confederation of Zimbabwe Industries (EMCOZ) and Labour which is represented by the ZCTU, ZFTU and the Apex Council (a negotiating forum of the Public Sector Staff Associations). Apart from discussing agenda items of the International Labour Conference, AU Labour and Social Affairs Commission, SADC-ELS, ILO Conventions to be ratified by the State, the TCM meetings also deliberate upon other related issues.

The study revealed that the TNF should be the committee that deals with all labour policies and labour law reform that makes submission to the cabinet through the Minister responsible for labour administration who in turn, presides over these meetings.

The agreed terms of reference of the TNF are to:

- Identify and deal with all macro-economic issues that affect the well being of the economy and social development.
- Deal with issues debated in the National Economic Consultative Forum (NECF) that warrant further negotiations.
- Negotiate and recommend positions to Cabinet for endorsement.

##### **1.6.2.1.1.1 Composition of the TNF**

**(a) On the part of government,** the TNF usually includes the **Ministries of:**

- Public Service, Labour and Social Welfare (Chairperson);
- Finance and Economic Development
- Industry and International Trade
- Mines and Energy
- Lands and Agriculture
- Environment and Tourism, and
- Information and Publicity

The study also revealed that other Ministries are invited depending on the issues under consideration.

**(b) Business is represented by:**

- Employers Confederation of Zimbabwe Industries (EMCOZ) (Business coordinator and Co-chairperson);
- Confederation of Zimbabwe Industries (CZI);
- Zimbabwe National Chamber of Commerce (ZNCC);
- Bankers Association of Zimbabwe (BAZ);
- Chamber of Mines
- Zimbabwe Tourism Council
- Commercial Farmers Union (CFU)
- Zimbabwe Farmers Union (ZFU)

(c) **Labour organizations** that represent workers at the TNF meeting are:

- The Zimbabwe Congress of Trade Unions (ZCTU) (Labour coordinator and co-chairperson) and five members of the Executive Office of the ZCTU attend the TNF.
- Public Service Association (PSA)
- Zimbabwe Nurses Association (ZNA)
- Zimbabwe Federation of Trade Unions (ZFTU)

**The following are the Statutory bodies established to deal with specific matters within the realm of the Employment and Labour Sector of TNF.**

- National Retrenchment Committee
- Salaries and Wages advisory Board
- Zimbabwe Occupational Health and Safety Council
- The National Social Security Authority's (NSSA) Board; and
- The Export Processing Zones' (EPZ's) Labour Board

In addition to these standing or Statutory Tripartite Bodies, Policy-makers of the tripartite arrangement can set up ad hoc tripartite committees or task forces to deal with specific labour matters.

The study revealed that except for NSSA, the others were almost non functional or were hardly executing their mandates effectively.

#### **1.6.2.1.2 The National Economic Consultative Forum (NECF)**

The structures are almost similar to that of the TNF. Unlike the TNF where members are first selected by their constituencies, the NECF members are appointed by the state president on recommendations made up by the Ministry of Labour.

**The NECF major functions are;**

- To advise the cabinet on economic issues affecting Zimbabwe
- To recommend ways in which industry could improve its production and capacity utilization
- To recommend how Labour could be empowered and developed in order to meet ever changing technology and business practices.

The NECF operates through the following task forces:

- Macro-economic Task Force
- Land Reform Task Force
- Industrial Policy Task Force
- Incomes and Pricing Task Force
- Human Resources Development Task Force
- Health and Environment Task Force
- Taxation and Expenditure Task Force, and
- Anti-corruption Task Force

Most of these are merely existing on paper without any meaningful impact at all since the tasks do not have supportive resources (no budgets in some cases) to be conducted. The major challenge facing NECF is that it is viewed as partisan or polarized since literally speaking, appointments may not be based on merit but on political will and affiliation.

#### **1.6.2.1.3 Issues finalised by Social Partners in the TNF**

However despite the failure to have any concrete Social Dialogue in Zimbabwe since the turn of the new millennium, the following issues were discussed and agreed upon within the auspices of the TNF in October 1999:

- The scrapping of the Development Levy;
- The scrapping of the 2½ sales tax which the Government had affected in November 1997; the deferment of taxation on Pension Funds to allow for a comprehensive study.

#### **1.6.3 Major problems affecting Social Dialogue in Zimbabwe**

In Zimbabwe, it has been a mammoth task to even, facilitate social dialogue more so concluding a social contract. This study established the following as major obstacles to vibrant and effective Social Dialogue in Zimbabwe;

- i. Mistrust among the parties e.g. The majority of TNF felt uncomfortable with the creation of the NECF which they viewed as pro-government and counter attractive.
- ii. Negotiating in bad faith
- iii. Boycotting meetings especially by the major labour representative, that is ZCTU
- iv. Imposition by the government on certain issues without concurrence or even participation of the other two parties e.g. the current economic blueprint programme ZIMASSET (2013-2018) launched in 2013 by the ruling ZANU PF party.
- v. Lack of political will
- vi. Reneging by government on previously agreed positions e.g. withdrawal of the Zimbabwe army from the Democratic republic of Congo (DRC) war that was meant to reduce government expenditure but increased instead of channeling the funds to other deserving areas like the productive sector.
- vii. Poor economic performance in an environment under political siege especially from Western countries (European Union, USA, Australia etc) who imposed economic sanctions which have affected economic performance and growth of the country on allegations of lack of democracy, lawlessness, corruption, poor corporate governance and deterrent laws to freedom of expression e.g. Public Order Security Act (POSA) and Access to Information and Protection to Privacy Act (AIPPA) both 2002.
- viii. The need to revive the platform comes at a time the economy is in deep recession characterized by a severe liquidity crunch and job losses as a result of company closures and retrenchments. Insiders at the Retrenchment Board revealed that they dealt with a minimum of 100 and a maximum of 400 retrenchment individual cases weekly as the economy continues to fall.
- ix. This alarming closure of companies and retrenchment cases have led to a weakened tax base for government which probably explains the continued shift in pay dates for civil servants, a development that had sparked fear that this could have led to government not only failing to pay bonuses last year(2014), but failing to pay salaries altogether in 2015.
- x. Industrial capacity utilization was operating below 40% with some sectors such as the textile industry operating at only 10% capacity. These are all indications of an economy under siege.

## **VII. Conclusions**

There is need to have Social Dialogue in Zimbabwe which is effective, to protect workers who under the current economic hardships in Zimbabwe do not have adequate social security and protection. The TNF which was supposed to spearhead Social dialogue has almost collapsed with no meaningful dialogue have been done over the past five years (2010-2015). Social dialogue is the only way forward for Zimbabwe to survive in depressed social, political and economic environments. This can not be over emphasized. Successful Social dialogue should culminate in signing of Social Contract by all the three parties. This should be necessary during exceptional circumstances when a country is facing adverse circumstances like Zimbabwe. Social Contracts have tended to engender greater social peace and a reduction in disputes. Economic problems have to be tackled by all social partners – government, labour, capital, and society in general. Not one single party can resolve some of the teething problems being faced by the country.. It is high time that Zimbabweans realize that without a national consensus and cohesion, development is impossible. The time for greediness and fight for political power alone must be put behind everyone. The fight for political power has left the country and its people in a dire situation. This Social dialogue and negotiations must discuss the real issues needed to address sustainable policies and ideological positions for the near and long term future. Social Dialogue should be pursued under a “win-win” approach, tackling different issues up-front. That way, the Zimbabwe economy can be resuscitated through the implementation of specific protocols covering a range of socio-economic issues under the banner of arriving at Social Contract.

## **VIII. Recommendations**

It is therefore, possible to conclude and implement specific protocols under the realm of an effective Social Dialogue mechanism in Zimbabwe if the recommendations raised below are largely adopted.

### **7.1 Key conditions for effective Social Dialogue to take place in Zimbabwe;**

- i. Establishment of a Social Dialogue culture;
- ii. Cultivation of a Social Dialogue mindset;
- iii. Establishment of effective institutions for Social Dialogue;
- iv. Political tolerance and social cohesion for the sake of national development.
- v. Labour laws amendments are needed especially to deal with retrenchments. Focus should not only be on the retrenchment process itself, but the period before and after the exercise. This should help to cushion the lives of retrenches.



## **7.2 Adhering to the specific roles for each party as follows;**

**Labour** should:

- Be driven by a clear understanding that only through productivity enhancing measures and commitment to excellence in the provision of goods and services, can they guarantee workers good salaries, wages, employment and job security;
- Adopt less conflicting labour relations;
- Assist in building the capacity of workers.

**Private sector** should:

- Encourage managers to employ progressive business practices;
- Assist in the building the capacity of workers in line with the new concept of social capital;
- Place productivity and quality through Smart Partnership at the apex of organizational endeavor;
- Maintain core standards at the work place in line with the Declaration on Fundamental Principles and Rights at Work.

**Government** should:

- Create an enabling environment;
- Pursue policies essential to success even in the global economy
- Have political will;
- The will to overcome constituents differences and work towards a common goal;
- A common understanding of the problems to be addressed and a shared view of the importance of addressing the problems;
- Access to information and technical capacity to interpret and analyze the information to make it more relevant to the social and economic demands of Zimbabwe;
- Have full commitment to dialogue by making broader consultations;
- Existence of a comprehensive macro-economic development framework to which the agreement should be consistent with, for example Zimbabwe Agenda For Social and Economic Transformation(ZIMASSET)
- The capacity of the representatives to effectively control the activities of their affiliates such that they can honor any commitments arising out of the Social Dialogue;
- Institutional capacity to implement any specific programs identified;
- A monitoring mechanism to ensure that Social Dialogue when it translates into Social Contract commitments is translated into practice.

## **7.3 Mutual tolerance and compromising**

Given that Social Dialogue is a process in its infant stages in Zimbabwe, the social partners need to appreciate that the early learning process can only be cultured by a spirit of mutual tolerance and understanding which is itself guided by a predisposition among them in working for the greater good of the country.

Social Dialogue should be pursued under a “win-win” approach, tackling different issues up-front. That way, the economy can be resuscitated through the implementation of specific protocols covering a range of socio-economic issues under the banner of a Social Contract. It is, therefore, possible to conclude and implement specific protocols under the realm of a Social Contract in Zimbabwe. However, the political “temperature” and the state of the economy (with reference to the extent of macro-economic instability) coupled with lack of goodwill are factors, which might militate against the resumption of Social Dialogue in order to achieve a Social Contract in Zimbabwe.

With regard to the political environment, one would want to look at the political forces of labour as a social partner, which is composed of leaders from different political persuasions and those who are by nature trade unionists who would like to operate above board, thus cherishing the non-partisan aspects of labour. The effect of politics in labour comes into play given that the main opposition political party in Zimbabwe, that is the Movement for Democratic Change (MDC) is labour backed. i.e. by ZCTU. Naturally, it aspires to form a government and hence it is very difficult for it to go for any joint approach with the sitting government of ZANU PF to resolve economic problems.

The extent to which government is prepared to adhere to its obligations in a Social Contract and lead by example as an equal partner is a critical factor, which should be examined as well.

## **7.4 Creating a TNF Act**

The TNF now needs legislative backing. And there is a draft law that the government is working on in consultation with other partners so that it is enacted into law but being delayed by bureaucratic tendencies. The

Act should be drafted along South Africa's NEDLAC(National Economic Development and Labour Council) which has one of the best models of social dialogue particularly in Africa. TNF should have an independent secretariat that is able to backstop the social dialogue process with greater efficiency. Bringing this into legislation by government and then operationalising it, should enable the tripartite structure to be well structured. The law will then define the role of the TNF and its membership.

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