

PARLIAMENT OF ZIMBABWE

Thursday, 25th January, 2017

The National Assembly met at a Quarter-past Two o'clock p. m.

PRAYERS

(THE HON. SPEAKER *in the Chair*)

ANNOUNCEMENTS BY THE HON. SPEAKER

ADJOURNMENT OF THE HOUSE

THE HON. SPEAKER: I would like to inform the House that the business of the National Assembly will be adjourned today to the 6th of February, 2018. In this regard therefore, the business of all committees of Parliament will stand adjourned until the 5th of February, 2018.

APPOINTMENTS TO COMMITTEES

THE HON. SPEAKER: I have to inform the House that the Committee on Standing Rules and Orders has made the following appointments;

a) **ACP-EU**

1. Hon. D. Nduna to replace Dr. Shumba
2. Hon. I. Zindi appointed leader of the delegation.

b) **Committee on Standing Rules and Orders**

1. Hon. Mlilo to replace Hon. Kazembe Kazembe
2. Hon. Musanhi to replace Dr. D. Shumba.

c) **Parliamentary Legal Committee**

1. Hon Mazivisa to replace Hon. Ziyambi Ziyambi.

INVITATION TO THE MASASI ACHINOZI BOOK LAUNCH

THE HON. SPEAKER: I wish to remind the House that Hon. Chinotimba is inviting all Hon. Members to attend the ‘Masasi Achinoz’ Book Launch to be held tomorrow the 26th of January 2018, at 1700 hours at the Harare City Library, which is adjacent to ZANU PF headquarters. The book was written by Chenjerai Mhondera.

APPOINTMENTS TO PORTFOLIO COMMITTEES

THE HON. SPEAKER: I wish to inform the House that the following Hon. Members have been assigned to Portfolio Committees as follows;

1. Environment, Water, Climate and Hospitality Industry

Hon. Uta

Hon. Mpala

Hon. Dr. Mombeshora

2. Health and Child Care

Hon. Shava

Hon. Dr. Mombeshora

Hon. Kwaramba

Hon. Mangami

Hon. Nyamupinga

Hon. Dutiro

3. Finance and Economic Development

Hon. O. Mguni

4. Foreign Affairs, Industry and Commerce

Hon. Mabuwa

Hon. F. Moyo

5. Defence, Home Affairs and Security Services

Hon. O. Mguni

6. Lands, Agriculture and Rural Resettlement

Hon. Chiwetu

Hon. Zhou

Hon. Porusingazi

Hon. Beremauro

Hon. Sithole

Hon. N. Ndlovu

7. Local Government, Public Works and National Housing

Hon. Chingosho

**8. Media, Information And Communication Technology and Cyber
Security**

Hon. Chitura

Hon. Porusingazi

9. Mines and Energy

Hon. D. M. Ncube

Hon. Mupereri

Hon. Chidhakwa

10. Justice, Legal and Parliamentary Affairs

Hon. Mlilo

Hon. Chiwetu

11. Primary and Secondary Education, Sport And Arts

Hon. Mpofu

Hon. Seremwe

12. Public Accounts

Hon. D. M. Ncube

Hon. Mupereri

13. Transport and Infrastructural Development

Hon. Gezi

Hon. F. Moyo

Hon. Guzah

14. Women and Youth Affairs

Hon. Chingosho

PETITIONS RECEIVED FROM CIVIC ORGANISATIONS

THE HON. SPEAKER: I therefore would like to advise Hon.

Members that on the 17th of January, 2018, Parliament of Zimbabwe received petitions from;

1. The United Citizens Alliance, beseeching Parliament to exercise its legislative function and enact legislation that will address comprehensive electoral reforms so that Zimbabwean Electoral Law conforms to regional and international standards; and
2. The Kambuzuma Local Government Action Plan, the Blue Agenda beseeching Parliament to exercise its oversight function over the Environmental Management Agency (EMA) and the Minister of Environment, Water and Climate.

The petitions have since been referred to the Portfolio Committees on Justice, Legal and Parliamentary Affairs and Environment, Water and Climate and Hospitality Industry respectively.

MANAGEMENT OF BUSINESS ON THE ORDER PAPER

THE HON. SPEAKER: I would like to inform the House that at its meeting held on 24th January, 2018, the Joint Business of the Houses Committee established a Sub-Committee to manage business on the *Order Paper*. The Sub-Committee shall meet on Thursday mornings when the House is sitting to determine the business to be covered in a

particular week. The Members of the Sub-Committee were nominated and appointed as follows; the Deputy Speaker, the Deputy President of the Senate, the Chief Whips and the Leader of Government Business, the Hon. Minister of Justice, Legal and Parliamentary Affairs.

Hon. Members are therefore advised to approach their respective Whips if they want their motions to be debated during a particular week as only those motions agreed upon by the Sub-Committee will be included on the *Order Paper*. Ministers are also advised to approach the Leader of Government Business, if they want their motions and Bills to be debated during a particular week. The rest of the motions shall stand deferred pending the next meeting of the Sub-Committee. This is to cut down on the voluminous volume of the notes and the *Order Paper* and that we remain very focused in our debates.

MOTION

BUSINESS OF THE HOUSE

HON. MATUKE: I move that Orders of the Day, Numbers 1 to 7 be stood over until the rest of the Orders of the Day have been disposed of.

Hon. Kwaramba having seconded the motion with the microphone off whilst seated on her seat.

THE HON. SPEAKER: Hon. Member, can you observe protocol.

HON. KWARAMBA: I second Mr. Speaker Sir.

THE HON. SPEAKER: That is much better.

Motion put and agreed to

COMMITTEE STAGE

ESTATES ADMINISTRATORS AMENDMENT BILL [H.B.8, 2016]

Eighth Order read: Committee Stage: Estates Administrators
Amendment Bill [H. B. 8, 2016].

House in Committee.

Clauses 1 to 9 put and agreed to.

On Clause 10:

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. ZIYAMBI): Mr. Speaker, I

move the amendment standing in my name that on page 8 of the Bill,

after Clause 9, insert the following new clause, the subsequent clauses

being renumbered accordingly:-

“Section 54 (“Improper or disgraceful conduct”) (1) of the principal Act is amended by the insertion of the following paragraphs after paragraph (g)—

“(h) demands from any client, employee or prospective employee for any sexual favour as a condition of—

- (i) the rendering of any service in his or her capacity as a registered person;
- (ii) the mitigation or waiver of any fee for any professional service in his or her capacity as a registered person;
- (iii) doing anything in relation to an employee or potential employee of the registered person that would constitute

an unfair labour practice by an employer in terms of
section 8 (g) of the Labour Act [*Chapter 28:01*]

(iv) engages in unwelcome sexually-determined behaviour
towards any client or employee, whether verbal or
otherwise, such as making physical contact or advances,
sexually coloured remarks, or displaying pornographic
materials in the place where the registered person carries
on his or her work.” I thank you.

Amendment to Clause 10 put and agreed to.

Clause 10, as amended, put and agreed to.

Clauses 11 and 12 put and agreed to.

House resumed.

Bill reported with amendments.

Bill referred to the Parliamentary Legal Committee.

MOTION

BUSINESS OF THE HOUSE

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. ZIYAMBI): I move that we revert to Order of the Day, Number 1 on the *Order Paper*.

Motion put and agreed to.

MOTION

**RATIFICATION OF THE SADC PROTOCOL ON EMPLOYMENT
AND LABOUR**

THE MINISTER OF PUBLIC SERVICE, LABOUR AND

SOCIAL WELFARE (HON. KAGONYE): I move the motion standing in my name:

THAT WHEREAS Section 327 (2) (a) of the Constitution of Zimbabwe provides that any Convention, Treaty or Agreement acceded to, concluded or executed by or under the authority of the President with one or more foreign states of governments or International Organisations shall be subject to approval by Parliament;

WHEREAS Zimbabwe is committed to promote and protect the social and economic rights of its people and guarantee International and regional best practices in labour market;

AND WHEREAS Zimbabwe approved of the SADC policies on Child Labour, Social Security, Use of Chemicals, HIV and AIDS and Decent work, it remains desirous to realise the aspirations of Regional Cooperation and Integration in the Employment and Labour sector;

AND WHEREAS, His Excellency, the President of the Republic of Zimbabwe, Cde. Robert Gabriel Mugabe on the 18th of August 2014 at Victoria Falls signed the SADC Protocol on Employment and Labour;

NOW THEREFORE, in terms of Section 327 (2) (a) of the Constitution of Zimbabwe, this House resolves that the aforesaid SADC Protocol on Employment and Labour be and is hereby approved for acceptance.

The Protocol essentially seeks to provide member states with strategic direction and guidelines for the harmonisation of employment and labour. It also seeks to provide guidelines for social security policies and legislation. Employment and labour are vital components of

economic development. A vibrant labour market attracts foreign direct investment and provides living standards for people throughout the Southern African Development Community (SADC) region.

The former Head of State and Government, Cde R.G. Mugabe on the 18th August, 2014 at Victoria Falls joined with other Heads of State to sign the SADC Protocol on employment and labour. They were driven by the commitment to promote and protect the economic and social rights of the people of Africa; and guarantee special protection to the marginalised sections of the marginalised societies; and also giving effect to the International Labour Organisation core conventions.

These core conventions include the Declaration on Fundamental Principles and Rights at work of 1998, the Employment Policy Convention, the Social Security Minimum Standards Convention of 1952 and other core international instruments concerning labour and social security. At present, employment and labour productivity in SADC Member States remains low with a considerable number of people currently engaged in subsistence rather than formal employment.

Furthermore, structural changes from the implementation of SADC free trade area have affected businesses that were protected by tariffs and lack of competition, which can negatively affect loyal employment. In addition, the introduction of technologies can reduce the demand for employment in productive sectors such as oil, gas and mining, thereby increasing the skill requirements necessary for those jobs that remain available. Extractive industries are also capital intensive which creates a barrier to entry for potential local business owners.

In response to these issues, the labour force has turned to formal systems of employment which are characterised by lower incomes, insecurity and under-employment. Following from the assertion that inadequate labour standards and regulations are responsible for low employment rates, SADC begun implementing standards developed by the International Labour Organisation in 1997. The ILO is also providing half of the funding for a long term programme intended to increase employment in the region. The programme is already yielding positive results. From 2010 – 2011, two hundred thousand (200 000) jobs were created in South Africa alone, 60% of which were women.

In terms of Section 327 (2) of the Constitution of Zimbabwe, international treaties require approval by Parliament for domestication. With respect to the present Protocol on Employment and Labour, the primary objective of SADC is to increase opportunities for employment in the region. To meet this objective, labour productivity needs to improve. Member States will enjoin in terms of Article 21 to cooperate in all areas necessary to foster regional development and integration on the basis of balance, equity and mutual benefit. It is agreed that the Protocol, through employment and labour sector areas of cooperation will guide employment creation, poverty eradication, facilitation of labour migration, harmonisation of labour and social security legislation.

Thank you.

HON. MUDYIWA: As alluded earlier on by the Minister of Public Service, Labour and Social Welfare, the signing of this Protocol was driven by the need to address factors hampering the social and economic development of the region, and this includes high poverty levels, unemployment, labour migration and low productivity among other issues.

As a Committee on Labour and Social Welfare, we had oral evidence from the stakeholders and we really support the Protocol. The key provisions in the Protocol that we dealt with included employment. There are several articles in that Protocol. Article 8 is about employment and remuneration. Article 9 is on improvement of working and living conditions. Article 10 deals with decent work for all. Article 15 talks about unemployment and under-employment. Article 19 is on labour migration and migrant workers. Article 20 is on informal employment and rural workers. Article 21 is about labour market information systems and Article 22 talks about education, training and skills development.

On social protection, there are a number of articles that are addressed in the Protocol for various groups in the sphere of work. The main objectives of these provisions are to enhance the coverage and effectiveness of social protection, and these include; Article 11 on social protection, Article 12 on occupational safety and health, Article 13 dealing with health care, Article 14 which is on retirement and protection of elderly persons; Article 17 talks about persons with

disabilities; Article 18 is on protection of children and young persons and Article 19 is on labour migration and migrant workers.

The other provision is on tripartism and social dialogue. Under this provision, we have got Article 23 which provides for information, consultation and participation. The major thrust of this article is to develop and strengthen tripartism, and social dialogue at regional, national and sectional levels.

The other provision is on implementation where we have got Article 25 which binds member states to implement the protocol at national level, establish monitoring mechanisms and outlines the reporting structure of the SADC Council. As the Committee on Labour and Social Welfare, we recommend adoption of the SADC Protocol on Employment and Labour. The protocol will foster cooperation, guide employment creation, alleviate poverty, facilitate labour migration, harmonisation of labour laws and social security laws within the region.

In addition, Madam Speaker, the protocol will be a step towards achievement of the 2013 Sustainable Development Agenda, particularly creation of decent work and economic growth (SDG 8) and poverty

eradication under SDG 1. It is pertinent to note that Zimbabwe is already a member to SADC and several international instruments consistent with this protocol including the UN Charter, ILO Conventions which she is implementing.

Finally, Madam Speaker, the protocol comes at a time when the country is undertaking labour law reforms and will guide the process accordingly. Thank you Madam Speaker.

***HON. MPARIWA:** Thank you Madam Speaker. I would like to start by thanking the Hon. Minister...

THE TEMPORARY SPEAKER (HON. DZIVA): Order Hon. Members.

***HON. MPARIWA:** I would like to thank the Minister and the Chairperson of the Committee, Hon. Mudyiwa, for bringing this convention to this august House. Madam Speaker, we know that we continue asking questions and we asked that when there are declarations, why is it that it has not been brought before Parliament. You talk as if it is something that does not exist.

I am happy that the Minister has brought this before us so that the departments and the labour unions can work together in order for them to discuss issues of labour rights as well as remuneration in terms of pensions is addressed. It also looks at the fact that we have a lot of people who are in the region - some are in Mozambique, Botswana and in South Africa. They are educated enough to take up these posts and if they come here, Zimbabwe will develop.

Secondly, Madam Speaker, there is the issue of decent work because decent work should be well remunerated in line with the decent work and a person should get a reasonable pension. Also, a person should receive good conditions of service. Madam Speaker, I think that if we bring these things and look at them seriously, you will find that there will be unity of purpose and good working relations in the industries between workers and employers.

The convention on labour laws explains what the worker and the employee is expected to do, including the Government, to ensure that there is no discord between them. When we look at the issue of

tripartism in Zimbabwe, we are saying that if a person is a worker, we do not engage in partisan politics. We want to work as employees and not to bring about party politics into anything.

In the Kadoma Declaration we said that we do not want issues of labour rights to be misconstrued with politics. This will also enable people to have a choice of different work opportunities. We have people who are experienced who have the expertise but their remuneration is not given and some of these jobs do not have any pensions. This means that a person will not be able to live a decent life when he returns to Zimbabwe.

There are people who are abroad and some are in the region. Some have died there and some who are abroad do not have any pension. In the event that these people die, we are forced to contribute in order to bring them back home. When I was the president of ILO, we went to the convention but all what we are talking about here did not materialise. At the SADC, we are known for not having implemented the convention's provisions. I hope that now that there is a new political dispensation,

this is the period that all what we have mentioned here should be addressed, including the fact that if a child is 16 years old, he is still a child, but if a child has attained 18 years, then that child is eligible for work.

Hon. Speaker, I am happy and Zimbabwe should go back and lift the flag high and also adhere to the SADC regulations. We should bring it before Parliament and ratify it, but what is difficult is the issue of implementation. So, we should implement to ensure that we are working together with other SADC states and reflect that we now work together with others and we are all going back to the United Nations. I think this convention is good because it requires good and relevant remuneration for different types of work that will enable people to live comfortably. I thank you.

HON. NDUNA: Thank you Madam Speaker. I want to add my voice to the Bill brought in by the Minister of Labour and Social Welfare who also happens to be my sister. I want to touch on this issue on five fronts.

The first one I want to look at is the domestication of this protocol and the second one is the computerisation or moving with the times that she spoke about. The third one is to inculcate the issue of Special Economic Zones in the labour initiative and then the fourth one is the labour inclusivity as she touched on Article 17, in particular as it relates and regards to people with disability or those that are differently abled. The fifth one is the productivity, the bringing in of the productivity in particular as it dove-tails with the amendments in the Companies Act that is going to come in, that is also going to see the curtailing of powers of the judicial managers in terms of liquidation of companies.

Madam Speaker, I would want first and foremost to touch on issues that reside in her Ministry that speak to the issue of labour and child labour in particular and also social welfare that speaks to the registration at birth of children. So, after a child is born midstream at their life, they are not employed hoping that we have employed an adult, they are not employed as an adult because they do not have registration certificates, birth certificates and identity cards with them. This all

resides with them because there is a Birth and Registration Act that says every child should be registered 42 days after they are born which is six weeks. So, I want that also to be amalgamated and to be embedded with the issue of labour and labour rights as I debate.

Madam Speaker, she touched on the issue of modernisation of labour in particular where you then put in modern equipment and you employ people to man those pieces of equipment. The issue of computerisation is certainly a way we can continue to move with the times in terms of involvement of labour. If you see my four year old son dealing with an ipad or an ICT gadget, you will marvel. We should not continue to be moribund, archaic, rudimental and antiquated. We need to embrace technology. In the same vein I support this protocol because it speaks to and about the issue of modernisation in terms of our industry and in terms of our labour – [HON. T. KHUMALO: *He is out of topic, he must debate the motion.*] –

THE TEMPORARY SPEAKER: Hon. Nduna, in your contribution can you please focus on the issues that are provided in the International Treaty that is at hand.

HON. NDUNA: I will include that Madam Speaker – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY SPEAKER: This is very specific.

HON. NDUNA: Madam Speaker, if our modern day technology can be embraced in our industries we can enhance effectiveness, efficiency and we also...

HON. MUTSEYAMI: On a point of order Madam Speaker.

THE TEMPORARY SPEAKER: What is point of order?

***HON. MUTSEYAMI:** Madam Speaker, for Hon. Nduna to come in this august House and start speaking English from the *Student's Companion* I think it is unfair to use jawbreakers, if he cannot be brought into line, I think he should sit down.

***THE TEMPORARY SPEAKER:** Hon. Nduna, what Hon. Mutseyami has said is true, I think I warned you before that you should focus on the treaty of the protocol that the Hon. Minister has brought.

HON. NDUNA: Chegutu West has asked me to come and –
[HON. MEMBER: *Inaudible interjections.*] – contribute in the following manner and I will continue. The issue of domestication of this protocol is very key, fundamental and it is embedded in that protocol. If we today here so decide that this protocol is signed and is assented to, it is going to be domesticated. It is going to be aligned to our national vision, ethos and agenda in particular Zimbabwe Agenda for Sustainable Economic Transformation.

Secondly, it is also going to dovetail well with the SADC Industrialisation Strategy, this is what this SADC Protocol speaks to and about. Thirdly, it is going to also go to the Africa agenda 2063 which speaks to industrialisation and utilisation of domestic resources and value addition. Lastly, it is going to speak to as the Chairperson of the Committee on Labour has spoken to and about, the issue of SDG

number one. This is the universal agenda when we talk of domestication of this protocol. I wanted to paint a picture as to how the people of Chegutu West have asked me to come and debate on this one.

Madam Speaker, the issue of Special Economic Zones is going to enhance labour involvement, how? Because we are going to establish second to none infrastructure development in Zimbabwe and we are also going to have a lot of labour come into those Special Economic Zones. What we need to do because this issue of the Special Economic Zones Bill was passed and assented to. What we now need to do is to initiate the process of making it practical, bringing it to be alive. There is now a board for the Special Economic Zones. We now need to set them up and we now need to have as much labour as is possible. Whilst we do it in those boards and in that labour, we need to involve nothing less than 15% of people with disability aware that Zimbabwe's population has got about 10 to 15 percent of people who are disabled and gifted with disability – [HON. T. KHUMALO: *Hazvisi kujoinidzana.*] –

THE TEMPORARY SPEAKER: Who are physical challenged.

HON. NDUNA: Why do I say this, all the boards appointed or otherwise need also to have 15% of people with disability, disability does not mean inability and there is also need to be gender sensitive in the appointment of boards and in the labour involvement and inclusion. What men can do, women can do better – [HON. T. KHUMALO: *Saka.*]

– The issue that touches on labour inclusivity as well, the issue of productivity, I have already touched on the issue of enhancing productivity and revenue generation using modernisation of our equipment in all our facets of industrialisation. This is how we can optimally effectively and efficiently incorporate this protocol into our everyday living. This is how we can domesticate it effectively so that we are not found wanting. It is not just an issue of rubber stamping, it should be practical. We should breathe life into this protocol by making sure we adhere to what is in there.

On the last point that I want to talk to and about, the issue that was touched on by the Hon. Minister and Hon. Mpariwa of alleviating poverty using the domestication of this protocol and also of employment

creation, cannot be underestimated. We always talk of 90% informal employment and 10% formal employment, both these at 100% are employment, we need to alleviate the plight of the masses of Zimbabwe by domesticating these protocols in particular this SADC Protocol to make sure that we reduce poverty and we generate employment creation.

Madam Speaker, if we do, we will not remain as an island, you have seen His Excellency the President, he is currently in Davos and he is saying wherever it is that we are involving politics, we need to also involve economic development. So, if we do not domesticate this and if we do not enhance its effectiveness in employment creation and poverty alleviation, we are certainly at cross purposes with the agenda and the tone that has been set by His Excellency, the President, Comrade E.D. Mnangagwa.

Madam Speaker Maam, I want to thank you for giving me this opportunity and also allowing the voice of the voiceless in Chegutu West to be heard in this Parliament with or without the support of Hon. Mutseyami and other members. I thank you.

HON. DR. MASHAKADA: Thank you Madam Speaker. I want to draw the Minister of Labour and Social Welfare's attention to three things that are very critical for the successful implementation of this Protocol. In the context of our labour market policies in Zimbabwe; the first thing I think is very important is of course to make sure that we support this SADC Protocol as it is very relevant to us as Zimbabwe. The best way we can consummate this Protocol is through the incorporation of this Protocol in a new harmonised Labour Act. The question of harmonisation of our Labour Act has been on the cards for too long Hon. Minister. Ministers have come and gone and we still have got the issue of a harmonised Labour Act on our agenda. If the Labour Act is harmonised, it will make sure that the private and public have got one uniform labour law. In the process, let us incorporate aspects of that Protocol in that new harmonised Labour Act. I think that will strengthen our labour market. That is my first point.

My second point is that linked to this Protocol, is the issue of labour mobility. We cannot achieve employment in the region and fair

labour standards if we do not promote labour mobility. Labour should be able to move across all SADC countries freely without any hinderance so that we can develop as a region or country and most importantly, linked to the free movement of labour is the question of the right of residence and the right of establishment. Those are the things that should also be pursued in the context of the mobility of labour as we promote labour and employment stability in the SADC Region.

The third point which I think is very important is that you cannot talk about labour and employment without looking at the institutions – strengthening the institutions that are in charge of labour administration. In the case of Zimbabwe, I am very concerned about the state of the Africa Regional Labour Administration Centre (ARLAC). Zimbabwe has been fortunate that we are hosting ARLAC as a regional institute for labour administration but ARLAC is now dilapidated. I heard that some countries are actually bidding to the ILO to take ARLAC away from Zimbabwe because it has not improved or developed. By now, it should be a highly reckoned institute of labour administration but I think the

standards are going down. There are not enough facilities to reflect a regional centre for labour administration. So I would urge you as the Minister of Labour and Social Welfare to look into ARLAC and improve the condition of ARLAC so that it is truly a regional ILO centre for labour administration to promote employment policies, labour market information in Africa as a region. I thank you.

HON. CHIMANIKIRE: Thank you Madam Speaker. First and foremost, I would like to thank the Minister for bringing this protocol before this House.

Indeed, we must congratulate her for going into the national archives of the Ministry because this Protocol was signed three years ago. Obviously, the predecessor had forgotten about it and I am glad that the new Minister is living up to the standards set by His Excellency, Comrade Mnangagwa on the standards of the first 100 days.

Madam Speaker, it is interesting to note that what this Protocol seeks to establish is a harmonised labour practice within the region. Just yesteryear, we seem to have forgotten that we used to import labour

from Malawi, Zambia and Mozambique and today we call them aliens and deny them the right to vote. We are infringing on their individual rights. They are second citizens in this country. How long are we going to deny them their rights and are we going to have this practice ongoing. We hope this new Protocol will also usher in an era where we will review our attitude towards imported labour which we are now referring to as second class citizens and we are denying them the basic rights that they were entitled to when they were first brought into this country. They are the ones who put up the infrastructure. They are the ones who historically built what we call the National Railways of Zimbabwe today. They are also the ones who built our roads.

Hon. Minister, we hope that when you bring in the new amended Labour Relations Act, you will also look into the issue of pensions that refer to these workers that laboured so hard during the colonial era and post colonial era and we are not recognising their rights as it were. Not only should we create decent work but we should also create decent retirement conditions of service for former workers in this country.

When we look at the issue of our labour market, we have flea markets. As a Government, it is not prudent to be issuing threats to workers as well. These are workers as well – giving them 48 hour deadlines to vacate certain areas which are their work places.

Again Madam Speaker, let us remind ourselves of the conditions of service of farm workers in South Africa who are migrants from this country. When you sometimes look at the South Africa news, we see some of our citizens being shot in South African farms, having been mistaken for being baboons. I think when we bring in such protocols, we should ensure that SADC also respects the provisions of some of these laws and regulations as they apply to some of our workers. Not only do we have learned colleagues that are going across the border to work but we also have those that are not learned but that go and work in farms on a seasonal basis that are not properly handled in terms of not being paid but in terms of conditions of service where they are ill treated. Our Government should also take note and ensure that we protect such people.

While appreciating that this Protocol has come forward three years too late, we hope that anything that has to do with working conditions in this country shall be addressed urgently because the protocol talks of social and economic rights of its people and guarantee of international and regional best practices in the labour market. We also need to extend this through the ILO to ensure that some of our Zimbabwean workers in foreign countries who are working as unregistered workers are adequately catered for. We can only do this through the ILO forum so that even those that are working in UK, Germany, the Netherlands and so on do get fair wages and fair treatment and are not working as slaves as is happening and as what happened in Kuwait. Thank you Madam Speaker for giving me the opportunity to debate on this issue.

THE MINISTER OF LABOUR AND SOCIAL WELFARE

(HON. KAGONYE): I move that the Protocol be approved for acceptance.

Motion put and agreed to.

MOTION

RATIFICATION OF THE ILO PROTOCOL TO THE FORCED
LABOUR CONVENTION P029

THE MINISTER OF LABOUR AND SOCIAL WELFARE

(HON. KAGONYE): I move the motion standing in my name

THAT WHEREAS, Section 327 (2) (a) of the Constitution of Zimbabwe provides that any Convention, Treaty or Agreement acceded to, concluded or executed by or under the authority of the President with one or more foreign States or Governments or International Organisations shall be subject to approval by Parliament;

WHEREAS Zimbabwe is a member State of the International Labour Organisation and seeks to eradicate forced labour in all its forms;

AND WHEREAS Cabinet approved of the Ratification of the ILO Protocol to the Forced Labour Convention P029 on the 1st of June 2017;

NOW THEREFORE, in terms of Section 327 (2) (a) of the Constitution of Zimbabwe, this House resolves that the aforesaid Protocol be and is hereby approved for acceptance.

Madam Speaker, the Protocol P029 of 2014 seeks to remove forced labour in all its forms. Forced labour is defined as, “all work or

service which is exacted from any person under the menace of any penalty and for which the said person has not offered themselves voluntarily”. The indicators of forced labour are abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions and excessive overtime. The prohibition of forced or compulsory labour forms part of the body of fundamental rights, and affords dignity of women, men and children.

Forced labour contributes to the perpetuation of poverty and stands in the way of the achievement of decent work for all. Protocol No. 29 of 2014 to the Forced Labour Convention recognises that the context and forms of forced or compulsory labour have changed and now takes on board trafficking in persons for the purposes of forced or compulsory labour.

In most cases, it involves sexual exploitation which has become the subject of growing international concern and requires urgent action for its effective elimination. There is indeed an increased number of

workers who are in forced or compulsory labour in the private economy, and certain sectors of the economy are particularly vulnerable. Certain groups of workers have a higher risk of becoming victims of forced or compulsory labour, especially migrants.

Anyone can become a victim of forced labour. However, people who lack knowledge of the local language or laws have few livelihood options. These belong to a minority religious or ethnic groups, have a disability or have other characteristics that set them apart from the majority population and are especially vulnerable to abuse and more often found in forced labour. In Zimbabwe, forced labour saw these indicators in situations where females were trafficked to places such as Kuwait for various unspecified violations against their person.

Forced labourers, their family members and close associates may be subjected to actual physical or sexual violence. Violence can include forcing workers to take drugs or alcohol so as to have greater control over them. Violence can also be used to force a worker to undertake tasks that are not part of the initial agreement, such as to have sex with the employer or a family member or less extreme, to undertake

obligatory domestic work in addition to their “normal” tasks. Physical abduction or kidnapping is an extreme form of violence which can be used to take a person captive and then force them to work. Violence is not acceptable as a disciplinary measure under any circumstances. It is a very strong indicator of forced labour.

The Constitution of Zimbabwe under Section 327 encourages the Ratification of International Conventions, Agreements and Instruments. Out of 26 international Labour Organisation Conventions ratified by Zimbabwe, 25 of them are in force including the Forced labour Protocol ratified on the 27th of August 1998. The benefits of ratifying this Protocol will see the elimination of forced labour in all its forms through domestication. It will curb the discrimination against vulnerable groups of society including women, minority groups and persons with disabilities. International and regional member States to the protocol shall cooperate for the purposes of mitigating forced labour at their borders and in their jurisdictions. I thank you.

HON. MUDYIWA: Forced labour is a historical societal vice afflicting the global world. The International Labour Organisation (ILO)

Convention (No. 29) of 1930 defines forced labour as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” The 2017 Report on Estimates of Modern Slavery estimates that 24.9 million people worldwide are victims of forced labour.

According to the ILO (2014), this illicit business generates US\$150 billion in profits per annum. Modern day forced labour is strongly linked to human trafficking, migrant workers, poverty and child marriages. The case of Zimbabwean women and girls who were lured to Kuwait in 2016 under false offers of employment only to be exploited as sex slaves is a typical example which brings into perspective the stark reality of the nature of forced labour today.

Additionally, the Government to Government interface which ensued between the two parties to facilitate repatriation of victims is illustrative of the required joint efforts between countries to mitigate this menace. This case also illuminates the evolution of this phenomenon over the years which necessitated the strengthening of the ILO

Convention of 1930 through the Protocol to the Forced Labour Convention in 2014. The Protocol basically provides for practical guidance on prevention, protection, compensation, access to justice by victims and

International cooperation against forced labour.

The Committee employed the following methodologies to gather stakeholder views on the protocol:

- (a) Oral evidence from the Zimbabwe congress of Trade Unions and Apex Council; and
- (b) Sensitisation workshop organised by the Ministry of Public Service, Labour and Social Welfare.

Our findings were that there are three key provisions to the Convention:

Article 2 - Prevention:

This article seeks to address root causes and factors that heighten the risks of forced labour. It outlines preventive measures which include public awareness campaigns on human trafficking, enforcement of relevant laws in all sectors and strengthening labour inspections.

Article 2 and 4 (2):

These articles guarantee victims of forced labour access to justice, including immunity from punishment for activities conducted under the compulsion of the captor. In addition, this Article highlights measures for identification, release, recovery and rehabilitation of victims.

Article 4 (1) – Remedies:

This article seeks to ensure that all victims access appropriate and effective remedies such as compensation irrespective of legal status in a country.

The Committee on Labour and Social Welfare therefore makes the following recommendations:-

➤ As a signatory to the ILO Convention on Forced Labour of 1930. It is imperative that Zimbabwe reaffirms its position in the global fight against forced labour. It is vital to note that the Protocol resonates well with the country's Constitution, labour laws and Trafficking in Persons Act [Chapter 9:25, 2014].

➤ The Committee recommends that ratification of this Protocol

be immediately followed by action to strengthen the country's anti-forced labour stance. For instance, through upward review of penalties for perpetrators currently pegged at level Seven fine or imprisonment for two years in terms of the Labour Act [Chapter 28:1] to 10 years mandatory imprisonment.

I rest my case Madam Speaker, thank you.

HON. CROSS: Madam Speaker, I think this is a very welcome development and I thank the Hon. Minister for bringing it to our attention. I just want to reinforce what was said by Hon. Mashakada about the plight of migrant labourers in South Africa and I think particularly of farm workers in the Limpopo Province, where often farm workers who do not have any papers at all are employed by South African farmers on conditions which approach near slavery and have little recourse because they do not have any documentation. I would hope that when the Hon. Minister meets her counterpart in South Africa, will raise this fundamental issue.

Aside from that, Madam Speaker, I have a particular concern with this particular piece of legislation which is being brought before us and it concerns the Hon. Minister herself. I have heard allegations that the Hon. Minister in fact, is not behaving as an employer should on her farm and I would like to hear her deny those allegations. My understanding is that she has labourers on her farm and she has been coercing them to work for her and has not been remunerating them properly. I would like to hear her denial. I thank you.

***HON. MPARIWA:** Thank you Madam Speaker. Let me start by thanking the Hon. Minister and also the Committee Chairperson, Hon. Mudyiwa for the Portfolio Committee on Labour and Social Welfare for bringing the ILO Protocol that is against forced labour. It may be children or women. It is a very important issue and I want to remind this House that we mentioned maybe three months ago on the issues of human trafficking where they were employed in jobs that they had not applied for such that they now found themselves in difficult situations.

Hon. Speaker, what this Protocol is trying to address is that most people who are found in cases of forced labour or trafficking are mostly women. So what makes me happy is that once we sign the ILO Protocol, it will address a number of issues and challenges. We had been left behind as a country because other countries have actually dealt with these matters. I am happy that when the Committee met with the workers and employees, they articulated the fact that we had not ratified and taken on board these ILO provisions.

When a person is engaged in forced labour, it means that you cannot negotiate in terms of remuneration, even the working conditions and there is no leave or holiday. So, this will all be addressed by this Protocol. It is important for people to have labour rights and not be forced to perform certain labour related activities. There are agreements that should be signed on the hours that one should work, the remuneration and also the rest days or weekends that a person is entitled to. The submission that the Hon. Minister has brought seems quite minimal but it is addressing a lot of issues.

I want to take this opportunity to thank the organisations that have assisted us, i.e. the International Organisation for Migration (IOM) who also assisted to take those who had jumped borders or engaged in human trafficking and looked after them. Once a person is engaged in forced labour or becomes a victim of forced labour, that person becomes helpless. The IOM assisted in reintegrating such individuals into society. I thank the Hon. Minister for bringing this Protocol into the House. We are happy that the issues that we raised before that we should copy what other countries are doing, we should emulate and do the same things that are being done by other SADC nations, it is finally happening.

I hope that the Government, once we have ratified this protocol, will be able to implement measures that will ensure these provisions are put into use. It will even assist those who are illegally crossing borders. So if this law is brought into use, it will assist our children and families and also ensure that they are treated in a humane manner even when they cross borders. I thank you.

HON. NDUNA: Thank you Madam Speaker ma'am. I will be short and to the point. I support the ratification of this convention and protocol but I also want to say that there should be compensation for those people that would have been treated that way - oppression of a man by another man; or oppression of a lady by a man; oppression of a lady by another lady; oppression of a child by an adult, indulging in forced labour.

The history of Australia is not very colourful as Australia was established by prisoners from other nations. So, just the establishment of a whole country by oppression of a man by another man shows how prevalent this issue of oppression and forced labour is. Speaking of that and not so far away from Argentina is the United States of America which was established by our own labour because of this colour and creed. We were forced; our kith and kin were forced to make the United States of America what it is today. In that vein, I am saying, the United States of America should be busy compensating the continents that provided forced labour for its upbringing and economic development.

Similarly, Britain should be compensating those people that established Australia.

As I conclude, the issue of migrants from Africa and the Asian community to other nations, because of instabilities in those nations, it really is used as a spring board for forced labour. This is the root cause of oppression of people giving labour for free or for pittance to those that are developed. Madam Speaker Ma'am, in that vein, I ask – not that country should bar these migrants but when these migrants get into those countries, they should not expose them to forced labour. These are desperate situations that are calling for desperate measures. It is my clarion call and fervent hope that those countries will see light in that these people are the ones who developed those developed nations of theirs and they should see it in themselves that they need to treat these migrants as brothers. However, from the origination countries, they need to treat their own with a lot of semblance and respect so that we avoid, avert and completely eradicate the issues and forms of all child and forced labour. I thank you.

***HON. MABUWA:** Thank you Madam Speaker. I also stood up to congratulate the Hon. Minister of Labour and Social Welfare and the Chairperson of the Committee for bringing this Convention to the House. Considering this Convention on Labour, the International Labour Organisation (ILO) is one of the organs of the United Nations (UN) which has its provisions different. The ILO is quite old; it was formed in 1919 and the UN only came to being about 50 years later. So, the way ILO is viewed countrywide is that whatever it would have said, causes the whole economy to sneeze.

On the issue of forced labour, the previous speaker, Hon. Mpariwa said we were already behind. When we say we have domesticated - we heard the Hon. Minister saying we ratified in June, 2017. Now if we have not come to discuss this in this august House with the whole world listening to us that we are now domesticating this law, we may be wasting time. We agree that we want to engage in international trade. What we have done today on the Protocol on child labour which has been passed, if complemented by this law on forced labour, it allows full

acceptance of our collective efforts in Zimbabwe. They are going to look at it, ask where it was crafted and will hear that it is from Zimbabwe. They will want to know what we are saying concerning the ILO Convention Number 29 of 1930 - there will be nothing. They continue to ask when we became a Member of the ILO and they note that it was in the 80s. They may then conclude that we engage in forced labour in our clothing industry and possibly engage in child labour. However, now that we have debated and concluded issues to do with child labour and forced labour today, we have paved the way for our clothing factories to manufacture clothes that will be acceptable throughout the world.

As we conclude, the media will be awash with our conclusions and it will be noted in world records. Our Zimbabwean products will be marketed and sold throughout the world since the record will be set straight from this august House that we prohibit child labour or forced labour.

Secondly, the ILO once came up with a Commission of Inquiry. Since 1919 when ILO was formed, Zimbabwe was the 7th worst country amongst countries which did not abide by the ILO laws. In 2009, the Hague judges came into this country with the intention of suing our country over the violation of ILO laws. This was happening because we delay in ratifying and domesticating the ILO laws. This is the UN Agency which has laws that are different from those of the UN or that complement those of the UN. We only have conventions from the UN and those from the ILO, so it is very important. I therefore would like to applaud our Hon. Minister and say that, what you have done is pertinent. It has allowed us to reach an important stage such that there is no longer a record in their register of their Commission of Inquiry. They are still monitoring our progress and until they come back and approve us, we will continue being monitored for our past mishaps.

It is also important to note that there were other six countries which have had employees and employers complaining against them. However, Zimbabwe had two representatives of ILO who went to

Geneva to complain against us, leading to Judges from the Hague coming here to question us. I am happy that today is a day for us to celebrate our freedom from such issues.

Before I take my seat, I would like to congratulate our Hon. Minister and request her to continue observing the developments at the ILO so that we abide by the rules and regulations which we are required to observe because that is where the world governments, employers and employees converge. This is what they call the tripartite board of the United Nations where they meet on an equal platform, and employees and employers present their cases without fear or favour. So, if workers go there and present what the Government would have done, it will raise our standards and we will be accepted. I thank you.

THE MINISTER OF LABOUR AND SOCIAL WELFARE

(HON. KAGONYE): Thank you Madam Speaker. I would like to start by appreciating all the contributions from Hon. Members. Their contributions were largely progressive and for the benefit of my Hon. Member here, farm workers at my farm are the best. They actually

enjoy being there and they work at my farm by choice because I treat them deservingly. I make sure that I provide decent work for them, accommodation, food and their salaries on time. So, whatever you have heard is not true. I just thought I should set the record straight.

Otherwise to all the contributions, I have taken note and I really appreciate.

I therefore move that the protocol be approved for acceptance.

Thank you.

Motion put and agreed to.

THE TEMPORARY SPEAKER: I would like to remind Hon. Members that the House would be adjourned to the 6th February, 2018. In this regards therefore, business of all Committees of Parliament will stand adjourned until the 5th February, 2018.

*On the motion of **HON. MATUKE**, seconded by **HON.***

***MPARIWA**, the House adjourned at Three Minutes to Four o'clock p.m. until Tuesday, 6th February 2018.*

