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DEPARTMENT OF POLITICS AND PUBLIC MANAGEMENT

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LABOUR VOLUNTARISM AND AUTONOMY: THE FUTURE OF EMPLOYMENT RELATIONS IN ZIMBABWE FROM 2000 TO 2015.

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Firstly, I would like to honour the Lord, Almighty for all the grace that covered me during this work and all my endeavours elsewhere.

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DEDICATIONS

To my mother and my three sisters, Lycra, Beloved and View. I profoundly revere their support in all my endeavours, i thank them for doing that for me.

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Abstract

Labour voluntarism and autonomy alludes to the free will and independence of workers in shaping work processes to influence desirable outcomes. The right to strike, the right to form voluntary trade unions and the right to voluntary collective bargaining underlie labour voluntarism and autonomy. Labour voluntarism and autonomy came as a response to capitalistic tendencies and racial prejudices in the colonial Zimbabwe. Nonetheless, the fight for voluntarism and autonomy involved all labour regardless of race. Capitalism and labour voluntarism are not indigenous ideologies but were adopted with the coming in of Western civilization and organized employment interactions. The ZCTU, as the pulse of the labour movement has developed in a stifled environment which is characterized by a nugatory Collective Bargaining which is made such by arbitration and the nature of NECs which are funded by capital, the discouragement of the right to strike by the Acts which govern employment interactions in the public and private sectors respectively and lack of autonomy of trade unions from political elements.

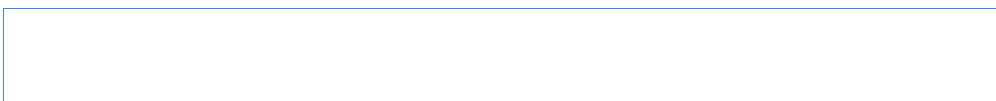
The phenomenon was explored largely through a qualitative method and partly through quantitative approach. This was an effort to achieve close to accuracy in the findings. The researcher employed three data gathering techniques which comprised of in depth interviews, questionnaires and documents with persuasive value to the research. These were instrumental in the collection of both quantitative and qualitative data. Questionnaires were used to amass required and relevant data from employees and trade unions. Interviews were also employed to obtain comprehensive data from individuals who matter and who are experts in their zones of specialization. Interviews were administered to labour officers and administrators. Individual observation and documentary evaluation was also instrumental in amassing data.

The struggle for voluntarism and autonomy is an on-going activity given that organized strike action is deteriorating and is being replaced by individual unorganized ways of expressing displeasure in processes and outcomes of work and collective bargaining is no longer revered by workers as a combined effort to control terms of work as found in the research. Moreover, the public sector workers are obliged to serve and voluntarism and autonomy is limited in that sector. Grey areas in legislation causes misperception, For example section 24 of the Labour Act does not rightly say whether a workers' committee has legal capacity or not. Such provisions should be corrected. The government and capital should confer full effect to labour voluntarism and autonomy to enable the worker to command a fulfilling life.

List of acronyms

AFL CIO Organizations	American Federation of Labour and Congress of Industrial
AIPPA	Access to Information and Protection of Privacy Act
CBA	Collective Bargaining Agreements
CBD	Central Business District
CIO	Central Intelligence Organisation
DRC	Democratic Republic of Congo
ESAP	Economic Structural Adjustment Programme
EU	European Union
GPA	Global Political Agreement
GNI	Gross National Income
GNU	Government of National Unity
ICFTU	International Confederation of Free Trade Unions
ICU	Industrial Commercial Workers Union
ILO	International Labour Organization
ITUC	International Trade Union Confederation
MDC	Movement for Democratic Change
LEDRIZ	Labour and Economic Development Institute of Zimbabwe
NAVUZ	National Vendors Union of Zimbabwe
NEC	National Employment Council
NGOs	Non-Governmental Organizations
PDL	Poverty Datum Line
POSA	Public Order and Security Act
POSB	People's Own Saving Bank

PTC	Post and Telecommunications Company
PTUZ	Progressive Teachers Union of Zimbabwe
SAPs	Structural Adjustment Programmes
UDI	Unilateral Declaration of Independence
UNAIDS Syndrome	Joint United Nations Programme on HIV/ Acquired Immune Deficiency
UNDP	United Nations Development Programme
USA	United States of America
USD	United States Dollar
ZANU PF	Zimbabwe African National Union Patriotic Front
ZCTU	Zimbabwe Congress of Trade Unions
ZCIEA	Zimbabwe Chamber of Informal Economy Associations
ZDAWU	Zimbabwe Domestic and Allied Workers Union
ZFTU	Zimbabwe Federations of Trade Unions
ZESA	Zimbabwe Electricity Supply Authority
ZEWU	Zimbabwe Energy Workers Union
ZIMLI	Zimbabwe Legal Information Institute
ZIMTA	Zimbabwe Teachers Association
ZINA	Zimbabwe Nurses Association
ZIWC	Zimbabwe Industrial Workers Confederation
ZPTWU	Zimbabwe Posts and Telecommunications Workers Union
ZTEA	Zimbabwe Electricity Supply Authority Technical Employees Association
ZURCWU	Zimbabwe Urban and Rural Councils Workers Union



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CHAPTER 1

1.0. INTRODUCTION

Labour voluntarism and autonomy alludes to the free will of workers to shape the processes and outcomes of employment relations independent of external forces which include the government and capital. Bhebhe and Mahapa (2014). The right to strike, voluntary collective bargaining and the right to form workers' organizations underlie labour voluntarism and autonomy. These rights are conferred by section 65 of the constitution and also by the Labour Act Chapter 28:01. When treated separately, autonomy alludes to the role of trade unionism as a civil society and voluntarism refers to free will-based activities done at the workplace by workers through their unions. In light of the foregoing, this dissertation will illustrate labour voluntarism and autonomy in Zimbabwe as an *adopted two faced shield* which is used by workers to deflect the relentless urge by capital to dominate and the undue machinations by the government to interfere in their activities. The problem arises partly from the historical development of the labour movement. The labour laws which are in force in Zimbabwe are also an embodiment of the country's colonial heritage left by the white regime.

The labour movement in Zimbabwe has developed in a highly stifled environment of invasive political forces which have rendered it a stunted institution despite the fact that voluntarism and autonomy is provided by the Constitution and the Labour Act. This is as a result of varying ways of political interference in workers' voluntary activities which entail the struggle for power amongst political forces. The evolution of the Zimbabwe's labour movement is characterized by the paternalistic nature of the government's and labour movement's relationship in the 80s as noted by Sachikonye (1996), the encroachment of foreign neo-liberal and government backed policies on labour voluntarism and autonomy in the 90s as posited by Gwisai (2006) and the extension of neo-liberal tendencies to infiltrate the justice system in the context of a tipping economy in the 2000s as noticed in the period from 2000 to 2015.

Working women have also been long under the clutches of patriarchy which overlaps to the workplace. Many of the Zimbabwean women are in the informal sector which includes domestic employment and vending. This sector is not fully regulated by law and this leaves them exposed to unfair labour practices, For example salaries in domestic employment have remained subdued. Hence, the investigation will also regard the factors which are inhibiting on women's labour voluntarism and autonomy.

Scholars like Lloyd (2006) hold that the Labour Act has largely made labour voluntarism and autonomy nugatory. In this regard, the problem emanates from the act. Section 18 of the Labour Act do not make a woman who has enjoyed 3 times of maternity leave eligible to further maternity leave. This provision is capitalistic in the sense that it seeks to ensure uninterrupted labour from women. The act also has grey areas, for example Section 23(1) says nothing about whether a workers' committee has the right of audience in a labour court or a court of law. Furthermore, section 12 of the act was overridden by the common law in the Supreme Court

Case involving Zuva Petroleum and its workers who were dismissed on notice without terminal benefits in 2015 which saw the government amending the provision through the parliament and applying it retrospectively.

The government has also been widely condemned for using different standards in employment relations. In this regard, workers in the private sector enjoy greater autonomy as compared to their counterparts in the public sector. Employment relations in the public sector is regulated by the Public Service Act which grants employees and their associations, the mere right to consult as observed by Mereki (2012). On the other hand, the private sector is governed by the Labour Act Chapter 28:01 which at least gives employees in the respective sector, the right to collective bargaining though it is sometimes compromised and not voluntary owing to various factors which include ministerial powers to interfere with collective bargaining agreements which would have been endorsed by the NECs as posited by the ZIMLI (2002) and the proliferation of lingering cases which have been sent to arbitration among other things.

The giving of effect to labour voluntarism and autonomy by political will and good faith from capital would avert the scaling back of this fundamental feature. In this regard, labour voluntarism and autonomy provides the workers with a coherent package to help them to achieve equality with capital, offset undue government interference and to lead fulfilling lives out of an employment relationship. It would also ensure the inclusion of women in labour voluntarism and the concerted productive activities. This dissertation seeks to take stock of whether labour voluntarism and autonomy in Zimbabwe is simply the imagined or the reality by tracing the development of the labour movement in the three and half decades of independence.

1.1.1. DEFINITION OF TERMS

“Collective bargaining” this alludes to the procedural negotiations between an employer and a workers’ organization to reach a Collective Bargaining Agreement which streamlines the conditions and relations of work. ILO, Right to Organize and Collective Bargaining Convention No.98 (1949).

“Right to strike” involves the right to labour withdrawal by a workers’ organization to compel the employer to reasonably negotiate with it. Machingambi (2007).

“Grey areas” alludes to vague provisions in a legal instrument, in the light of the Constitution or an Act of Parliament which gives a daunting burden of interpretation to implicated parties or adjudicators with regards to a course of action to take. Legal Dictionary (2005).

1.1.2 Background of the Study

Labour voluntarism and autonomy can be illustrated as an adopted *two faced shield* which is significant in deflecting the relentless dominance of capital and undue interference by the government. Reed (2001) posited that labour voluntarism and autonomy originated in Britain whereby trade unions agitated against the express intervention of the government in employment relations in the age of the industrial revolution. Nevertheless, some sought a point of departure

by ascribing the credit to the United States of America. According to Dionne (2010) the early American labour movement supported an employment environment in which trade unions focused on plain and moderate returns in wages and conditions of work and rose to influence politics in the 1930s and 60s. In this regard, the Wagner Act of 1935 came as a salvation to American labour and elsewhere due to the fact that unfair labour practices were spelt out and made inadmissible. Dionne (2010) also highlighted that it was a milestone towards the achievement of labour voluntarism and autonomy due to the fact that collective bargaining gained legal ground and unions with majority membership were legitimized. Zimbabwe was colonized by Britain in 1890 and the settlers adopted labour voluntarism and autonomy in employment relations from the West but did not permit black workers to organize. Bhebhe and Mahapa (2014).

The Western labour standards were envisaged to be assumed by the Zimbabwean government at independence due to the fact that the unfair labour practices dictated by racial lines in the colonial era were regarded as having been overtaken by events. According to Bhebhe and Mahapa (2014) black workers in the colonial set up were only permitted to organize into burial associations, religious organizations and mutual aid societies in farm compounds. This shows that labour voluntarism and autonomy was unknown to black workers in the earliest to the middle tenure of this regime. Raftopolous (1997) regarded religious organizations and burial societies as the foundation of black unionism. Gwisai (2006) also noted that in the 1960s, the right to form trade unionism was given to black workers but they were being suppressed due to the fact that they supported nationalist leaders. This shows that the union trait of liberalizing the masses and democratizing politics is not a new phenomenon. Mothibe (1996) regards the 1965 strike as the first wave of black labour militancy against unfair labour customs and practices of the Todd regime. On the other hand, Bhebhe (1989) regards the 1948 strike as a mass movement which encompassed workers across sectors and as an event which heralded black militancy.

The independence of Zimbabwe was expected to bring along an even playing field to employment relations regardless of race and gender orientation. Nevertheless, little attention was paid to working women and this has resulted to the lingering inequalities which begin at the family level. According to Obbe (1985) African women occupy the fringes of employment relations and their share is at 17%. This is a reflection of the colonial set up which was characterized by the plight of black women which emanated from gender and race. Ironically, the Zanu PF government adopted some of the policies of the colonial administration.

Employment relations in the 80s have shaped labour relations in the period from 2000 to 2015. According to Sadomba (2011) in the 80s, Zimbabwe was engineered as a one party rule with the ZCTU as more of an appendage of the revolutionary party. Sachikonye (1996) subscribes to the paternalism of the current regime in the 80s by positing that Albert, president Mugabe's brother was the Secretary General of ZCTU from 1980 to 86 and this was meant to pacify union dissent. This shows that the autonomy of the labour movement was compromised since it could not assert an independent voice. According to Saunders (2001) the labour movement's integration with

capital and its poor administration undermined its functions and organizational integrity. Tarugarira (2011) regards the palpable connection between the government and the labour movement as a means to subdue the right to strike as this was regarded as an impediment to development. Magaisa (2015) attributed the ties between the Zanu PF government and the labour movement as a product of the struggle for independence which the two executed in cahoots.

The change in leadership in the ZCTU structures ushered in an unprecedented challenge to the government's policies by the labour movement. Tarugarira (2011) regards the year 1985 as the threshold at which the critical *eye* of unionism started to go beyond the usual butter and bread issues to issues of governance. This was not welcomed by the Zanu PF government and concertedly it estranged itself from the ZCTU. Saunders (2001) postulated that after independence the Zanu PF government embarked on policies which were socialist in outlook and these were meant to achieve a growth with parity end. This contributed to the economic downturn in Zimbabwe to some extent. According to Zeilig (2002) Zimbabwe socialist policies sapped the economy and its impact was felt by the broad workforce. Socialist policies were justified as they sought to bring social justice to a people who had not known it but the policy makers should have calculated a strategy which could sustain the economy and achieve social justice at the same time. They could have started with projects which give returns to the economy, a case in point being the belated Indigenization policy which is grappling to revive the economy.

The government of Zimbabwe welcomed ESAP in 1991 as a measure of final resort to resuscitate the plummeting economy. According to Martorell (2002) ESAP provoked the Zimbabwe's workforce as it entailed austerity which involved massive retrenchments in the public sector and the reduction of value of the Zimbabwean dollar. Devaluation of the Zimbabwean dollar would subdue the incomes of workers across sectors and was inevitably a source of labour militancy. According to Zimbabwe Daily (2015) the ZCTU was a fierce opponent of the Zanu PF government and this is corroborated by a myriad of strikes which were recorded in 1997 which encompassed as far as the health sector. Dixon (1998) states that labour militancy was further provoked by the sending of troops to the DRC by President Mugabe amid a tipping national economy. The ZCTU fought for transparency in the 90s and this earned it a civil society status.

It is evident that the union leaders realized that fighting government policies through the labour movement was not changing circumstances and they resolved to form a political party. Magaisa (2015) regards the formation of the MDC from the labour movement as a blow to labour voluntarism and autonomy due to the political ties between the two since inception. Politics affects labour voluntarism and autonomy. According to Tarugarira (2011) labour movements which are existent in Sub Saharan Africa have gone political and this is costly on labour. If labour unions start supporting political parties, the interests of the workers would be replaced by the interests of a political party. According to Beckman and Sachikonye (2001) the formation of the ZFTU in 1998 was a measure to strip the ZCTU of its membership by ZANU PF politicians.

The changes which were instituted to the Labour Act through the 2002 and 2005 piecemeal amendments are also widely seen as pure political measures by politicians to lure votes in the years in question. Section 18(2b) of the labour Act had been amended in 1994 to provide for the payment of not less than 75 percent of full salary for women on maternity leave and the 2002 amendment did not address this for the better. Nevertheless, the 2005 amendment was progressive in the sense that it now provides for maternity leave on full remuneration. This shows that amendments to labour laws are only intended to attract workers to vote for political parties during election time to some extent. The 2015 amendment to the Labour Act was a strategy crafted in the interval in the run up to the 2018 elections. According to the *Newsday* (2015) the proposed bill is more capitalistic than the preceding Act due to the fact that it offers a two-week salary compensation for every year of service. This is dooming due to the job insecurity which looms in Zimbabwe. The period from 2009 to 2013 saw the coming into government of the MDC through the Global Political Agreement and was regarded as a chance of hope in the background of inflation, deteriorating living standards and the election violence of 2008 which threatened occupations of supposed dissidents in the public sector and human security in general. According to the *Newsday* (2013) the GPA did not only usurp the general will but necessitated the forgetting of workers by the MDC which came from the labour movement ironically. This lack of political will saw the widespread 2015 dismissals which were heralded by the *Zuva Petroleum* and the endorsement of its actions by the Supreme Court.

If only Unionism was autonomous in Zimbabwe, the 2015 extensive dismissals would not have seen the light of the day but would have been pre-empted long back by pushes and lobbying of trade unions to amend grey areas in the light of Section 12 as indicated above but alas, the labour movement never saw it coming.

Union membership is also dwindling and the trend is projected to go unabated given that vendors' unions have proliferated. According to the ILO statistics (2005) by the year 2005, 3-4 million people were already populating in the informal sector and the formal sector only accommodated about 1 million three hundred workers. It is evident from the flooding of the informal sector that unemployment hold sway. This is a clear manifestation of the fact that the economy of Zimbabwe has reached a tipping stage. The atmosphere surrounding the year 2000 to 2015 is intensely heated as the right to strike is being extinguished. Bond and Saunders (2005) posited that the 2006 strike is the isolated collective job action in the 2000s and this ZCTU's clamour for better working conditions was countered by physical victimization of union leaders by the government. On the other hand, Matombo and Sachikonye (2010) regard the 2007 mass stay aways and the army's intervention to intimidate workers as a defeaning blow to democracy. The subjugation of the voice of labour is invasive to democracy. Tarugarira (2011) views unionism as the focal point of democracy. In this regard, there is still a lot to be required in Zimbabwe's employment relations as shown by the background of the period under study.

1.1.3.Statement of the Problem

Labour voluntarism and autonomy in Zimbabwe's employment relations is a remote prospect due to the incessant meddle by external forces like the government, capital and political parties. Moreover, the right to collective bargaining and the right to strike are elusive despite the fact that they are the institutional mechanisms at the centre of labour voluntarism and autonomy. At present, the Labour Act Chapter 28:01 leaves much to be needed and it has been conveniently exploited by the ruling party through its huge parliamentary majority to further its interests.

The government of Zimbabwe use double standards when it comes to employment relations with regards to the public and private sectors. According to Mereki (2012) Public Sector employees are governed by the Public Service Act which gives them the right to merely consult. On the contrary, employees in the private sector have the right to collectively bargain and this right is sanctioned by section 75 of the Labour Act. Workers in the public sector are prejudiced with regards to the enjoyment of labour voluntarism and autonomy.

Workers were dismissed palpably following the July 17th Supreme Court verdict to rid them easily and the parliament amended the Labour Act to accommodate retrospective application of the law which has far reaching consequences given that companies are under stress in the context of the economy and forcing matters would sour relations in employment relations and shutting down of business would be inevitable since labour would have already overwhelmed the capacity of the respective companies. In this regard, the amendments to the Act through Bill HB7 of 2015 did miracles by applying retrospectively only to serve political agendas. Moreover, working women are still under the clutches of patriarchy and this stems from the institution of the family. This fundamental aspect has been overlooked by scholars of African employment relations who adopted the hardly and gradually obtained Western standards in their setting in a radical manner. Zimbabwe's economy has been plummeting and this also negatively bears on employment relations. The government has since taken dire measures to stabilize the economy and this saw the emergence of new capital from China and many cases of labour suppression have been reported since then, hence labour voluntarism and autonomy is much of the imagined than the real. The study also analyzes the decline in the use of the right to strike as a legitimate scepter for fighting work place and social prejudices in the period from 2000 to 2015.

1.1.4Research Objectives

1) To investigate factors which are inhibiting labour voluntarism and autonomy in Zimbabwe.

2) To analyze the gaps and grey areas in the Labour Act Chapter (28:01).

3) To analyze the effects of neo-liberal globalization to informal and formal workers and the relationship of these factors to the institution of the family.

4) To propose possible recommendations on how labour voluntarism and autonomy can be enhanced in Zimbabwe.

1.1.5. Research Questions

- 1) What are the factors which are affecting labour voluntarism and autonomy?
- 2) Where are the gaps and grey areas in the Labour Act with regards to labour voluntarism and autonomy?
- 3) How does the institution of the family impact on labour voluntarism and autonomy?
- 4) What recommendations would you proffer to enhance labour voluntarism and autonomy in Zimbabwe?

1.1.6. Justification of the Study

The proposed investigation is relevant because it seeks to contribute to the freedom of the worker who did not come and occupy a vacuum but a field already dominated by capital and the government. The period from 2000 to 2015 has seen dramatic events in employment relations in Zimbabwe. Piecemeal provisions in the Labour Act have been maintained and this has been affecting labour voluntarism and autonomy. The right to strike is now occupying a peripheral position in employment relations, unlike in the 90s.

The institution of the family is the foundation for labour voluntarism and autonomy but this has not been covered fully in literature. Moreover, workers' voluntary organizations are preoccupied with butter and bread issues and the plight of women has been overlooked in the interval. On this note, working women are facing double jeopardy through patriarchy at home and clutches of capitalism at the work place. Moreover, the political economy need to be taken into account when regarding employment relations as it bears on the former, for example the proliferation of "vendors' unions" is as a result of abnormal relations in employment relations which are largely imposed by the political economy. The study seeks to identify gaps in law and grey areas to enable the realization of the objectives of labour voluntarism and autonomy.

1.1.7 Conceptual Framework

a) The Marxist Paradigm

Many theories have been propounded to explain employment relations and to unravel possible measures to promote labour voluntarism and autonomy. Nonetheless, this study will make use of the Marxist paradigm, the Unitarist approach, the Pluralist paradigm and the Systems approach. The theories will ultimately be contextualized to Zimbabwe's employment relations.

The Marxist approach presupposes that class struggles are inherent in employment relations. Trade Unions are not only voluntary organizations but schools of socialism and the conduits for socialist transformation. In Zimbabwe, the labour movement has been at the forefront of the fighting for democracy at the state level and equality at the workplace. According to Tarugarira (2011) the labour movement in Zimbabwe has been the focal point of democracy. In this regard, the labour movement backed the nationalist leaders in the independence of Zimbabwe as

highlighted in the background of the study. According to Marx (1988) trade unions should not let political parties dominate them as this erodes their cause of fighting for the recognition of the voice of labour. Nevertheless, in Zimbabwe politics has been causing a premium on the labour movement. According to Sachikonye (1996) immediately after independence the ZCTU was a mere appendage of the ZANU PF government. Moreover in the 2000s the ZCTU has been condemned for its dooming ties with the MDC on one hand and the ZFTU for its ties with the ZANU PF party on the other as posited by Tarugarira (2011). This has been negatively militating upon labour voluntarism and autonomy.

Pre-socialism is a precondition for socialist transformation or to put it bluntly for a revolution. This phase entails the necessity of a united workforce which is well aware of their position in society. According to Marx (1988) the workers do not have anything to lose, save for their shackles. For Marxist Socialism to suffice, workers must oust capital from owning the channels of production and this would eventually be owned by everyone. The ZCTU has been a formidable union since the 90s and has survived henceforth. This union has provided the Zimbabwean workforce with a platform to propagate social justice. Nevertheless, labour is far from pre-socialism as divisions abound. The recent licensing of the Zimbabwe Industrial Workers Confederation shows that voluntarism in the face of unionism is losing ground. This union was formed regardless of the fact that the employment percentage is dwindling and it has been recorded to be well below standard as acknowledged in the preceding sections. Furthermore, strike action which is a remote tool for revolution is inadmissible as shown by the discussion above. The Marxist theory of employment relations has weaknesses, for example it promotes violence as a tool for transformation. This is not compatible to developing countries like Zimbabwe which are sensitive to any waves of anti- advancement.

b) The Unitarist Model

The Unitarist model is also a theory of employment relations which can be used to explain employment relations in corporate Zimbabwe from 2000 to 2015. According to Ross and Bamber (2008), a single source of authority exists in an organization and this is usually the management. Rival organizations are non-existent in unitary structures. The Unitarist theory presupposes that there are no conflicts over interests between managers and workers. This theory is an affront to labour voluntarism and autonomy as it propagates the subjugation of employees by management. The capital always seeks a modicum of rewards for maximum work and if labour plays a passive role, exploitation would ensue. This theory also views trade unions as not compatible to management's objectives. The unitarist paradigm is individualistic in nature and seeks to cultivate common interests in employment interactions. The Zimbabwean government is modeled on unitarism though it proclaims itself to be socialist and this is made evident by its subjugation of trade unionism as shown in the background of the study. This theory seeks to quell labour voluntarism and autonomy.

Collective bargaining agreements are significant in striking an equilibrium between management and workers, hence unitarism is an affront to joint effort in employment relations. Nevertheless, the unitarist model is instrumental in promoting coordination and unity at the workplace.

c) Industrial Systems Approach

The Systems approach is also a model of employment relations which can be used to contextualize labour voluntarism and autonomy in Zimbabwe. According to Dunlop (1993) the systems approach is an assessment tool for industrial societies which involves a set of rules which are enacted to govern employment relations. The systems approach reveres rules as the focal point of industrial relations and these are made through external influences by various actors which put demands into the system to shape rule making.

This theory posits that Collective Bargaining is a procedural activity which influences outputs which are rules. In the event that collective bargaining has resulted into an impasse, the actors can resort to conflict solution mechanisms which include conciliation, arbitration and adjudication respectively. According to Rogowski (2000) Dealing with conflicts between actors who are in unison through conflict solving mechanism, CBAs and workplace pluralism has contributed to transition from external sanctioning of state intervention to voluntarism and autonomy. Nevertheless, arbitration and adjudication militates upon labour voluntarism and autonomy due to the fact that in the processes in question workers do not have control as noticed in the Supreme Court Ruling involving Zuva Petroleum in the preceding discussions. According to Tarugarira (2011) Collective bargaining in Zimbabwe's employment relations has become unproductive due to many cases which have been referred to arbitration which is being further crippled by biased arbitrators who are favouring capital. Hence, the Systems approach's legitimation of arbitration and adjudication is against the principles of worker voluntarism and autonomy. Arbitration is still relevant as a measure of ultimate resort to solve conflicts between capital and labour but the employers should not manipulate it through good will.

This theory also views trade unions as legitimate actors which shape the employment relations arena. The Systems theory treats actors as paramount due to the fact that they are the autonomous variables which affect the rules which are the dependent variables. According to Dunlop (1993) The primary actors of industrial relations are managers, workers and their voluntary organizations and the state and its proxies.

The systems paradigm also underscores the influence of the environmental contexts to actors and employment relations. It presupposes that the systems paradigm works in the context of the economy, politics and social regulating institutions which include the family and cultural structures. Gwisai (2006) posited that in the 90s, the government of Zimbabwe enacted minimum wages to cushion workers amid ESAP and the economic recession. This shows that rules emanate from the nature of the environment at a given time. According to Dunlop (1993) technology is an environmental determinant which determines the proportion and skills of the required workers

and safety and wellbeing. The Labour Act states that disputes over rights do not satisfy conditions for strike action and safety and health issues fall under disputes of rights. Safety and health issues threaten the very lives of workers and the employers can be reluctant to improve the working conditions due to the fact that the right does not satisfy strike action. It is the author's view that the institution of the family contributes to labour voluntarism and autonomy in Zimbabwe. Zimbabwe adopted the principles of labour voluntarism and autonomy in a radical manner and women were overlooked in the interval. This should be revisited.

Nevertheless, like any other theory of employment relations, the systems approach has its own shortfalls. Dunlop (1993) did not exhibit the motivations behind rule-making in employment relations. Marx (1988) posited that rule making is a product of the capitalistic administration and is meant for subduing labour in a bid to gain maximum profits, For example the government has been reluctant to synchronize sections 104 (3) (a) which strips legitimacy from a strike which owes its origins to a dispute over a right, 106 and the concerted 107 which confers the prerogative to issue a writ to stop a strike upon the minister, 109 which makes illegitimate strikers liable to prosecution, 110 and 112 which elaborates the penalties of the Labour Act with section 65(3) of the Constitutional document to confer complete effect to the right to strike. In Zimbabwe, the Labour Act has been condemned as a reflection of different scales of fairness which is tipped in favour of capital at the expense of labour. According to Lloyd (2006) The grey areas and gaps in the Labour Act are the source of workers' plight. Hence, the Systems theory overlooks the motive behind rule-making in employment relations. In this regard Meltz (1991) dismissed the Systems Theory as a vague framework which shows the interplay between actors and the variables existent in different settings.

The systems paradigm is instrumental in explaining employment interactions. In this regard actors, environmental contexts and rules underlie Zimbabwe's employment relations. The ZCTU is the main labour body in Zimbabwe which has been fighting for labour recognition and democracy in Zimbabwe. The Ministry of Labour is also an actor in the capacity of a government department which oversees the implementation of fair labour practices, the resolution of labour disputes and the referring of cases for arbitration. Moreover, the Labour Act is a mass of rules which governs employment relations. Hence, the Systems approach is applicable to Zimbabwe's employment relations.

e) Pluralist theory

The pluralist theory holds that the organization consists of groups with divergent interests, principles and goals. According to Fox(1996) conflicts arise from the varying values which are inherent to an organization. In this regard, the employers and employees have varying values. Conflicts are viewed as endemic, reasonable and functional in organizations. In Zimbabwe's employment relations, conflicts are noticeable, For example the Zuva Petroleum dismissals and the concerted widespread dismissals as highlighted in the preceding discussions.

Pluralists hold that there is hope after conflicts since they are solved through liaising, collective bargaining and agreement. In Zimbabwe's employment relations collective bargaining is the focal point in the shaping of conditions and terms of employment as provided in section 75 of the Labour Act.

The pluralist theory expressly approves of trade unions. According to Rose and Bamper (2009) Trade unions provides legitimate checks and balances to employers' prerogatives. This theory presupposes that out of competition comes collaboration.

This theory is instrumental in acknowledging the presence of conflicts in employment relations. According to Rose and Bamper (2008) The pluralist theory sought to fix the gaps left by the unitarist model. However, conflicts do not involve capital and labour alone but the state as well as noticeable in Zimbabwe. According to Zeilig (2002) the ZCTU was a malicious opponent of President Mugabe's government in the 90s which challenged his policies invariably. Hence, the pluralist model did not fully take into analysis the relations between the state and workers organizations as a source of conflict.

Conclusion

The Marxist, Pluralist, Systems and Unitarist models provides us with a coherent set to help us contextualize employment interactions in Zimbabwe. Zimbabwe's employment relations are characterized by various actors which have equal reverence. Moreover, conflicts are bound to arise wherever there is an employment relationship. Nevertheless, the above theories do not address the influence of the institution of the family to employment relations due to the fact that they are not originally African. The issue in point is to unravel constructive conflict resolution mechanisms which promote labour voluntarism and autonomy.

1.1.8. Methodology

Research design

This Section is a sketchy outline of Chapter 3. It will hint at the detail which is to be provided in Chapter 3.

The research utilized both quantitative and qualitative research tactics. This was an attempt at getting as close as possible to precision and representativeness in findings in the research. According to Erickson (1986) the term "qualitative" implies a model which is not quantitative in nature and which does not involve the strategic use of numbers. Qualitative approach was used in the larger part of the research in the public and private sector. This was for convenience as many of the respondents refused the quantitative model of sampling like the simple random by which the researcher used the *hat system* which they regarded as frivolous and time exhausting. Erickson (1986) also defined quantitative research as the systematic use of numbers in a mathematical way in research. Quantitative research was used by the researcher to get a sample from the Marondera Municipality. This was conducted during his work related learning at the

said organization, hence there was ample time to prepare a simple random approach for sampling in ascertaining the distribution of questionnaires.

Interviews were used as an instrument for research and snow ball approach for sampling as a qualitative research methodology was used in the private and public sector companies in respect of the organizations sampled as to be discussed in Chapter 3. Trade unionists and officers in ministries referred the researcher to prospective respondents. Nevertheless, this usually led to the gathering of same opinions as the respondents referred the researcher to the people they share ideologies with. The researcher tried to be spontaneous by using discretion in choosing respondents to overcome this. This resulted to convenience sampling to some extent. Trade unionists were also chosen purposively as they are crucial to the study of worker voluntarism and autonomy.

Questionnaires were the basic instrument of choice to the researcher due to the fact that they were able to amass data from a lot of people on a short space of time. According to Kumar (2005) Questionnaires are a written series of questions to which the answers are given and recorded by the respondents. In this regard the researcher gave the respondents who were targeted for questionnaires, the questionnaires to complete by themselves. The findings were also easy to quantify and evaluate due to the fact that much of the questions were close ended in nature. Surveys were also used to regard events as they unfolded in employment relations during the author's internship.

Convenient approach of sampling was basically used by the researcher in private and public sector companies. The researcher had to give questionnaires to workers who were available and who were not busy. This was justifiable due to the fact that the working environments are busy environments. Purposive sampling was used in interviews, For example interviews targeted labour officers in the Ministry of Labour and trade unionists in plant unions in light of Marondera Municipality Workers Union due to the fact that they are the ones who possessed the needed knowledge.

The sample consists of 85 workers from the public and private sector companies which were sampled conveniently. In the sample, 53 were women and 32 were men. This sample is justified due to the fact that women generally dominate men numerically. Furthermore, it was proportionate as it sought to assess the contribution of the institution of the family to employment relations. Women are overlooked in employment relations to some extent. Hence, the sample is representative to a larger extent in this regard. Nevertheless, the sample only regarded 9 companies from the public and private sector, 2 unions and 5 traders in the informal sector based at the Copaccabana area in Harare and this represents the corporate Zimbabwe to a lesser extent.

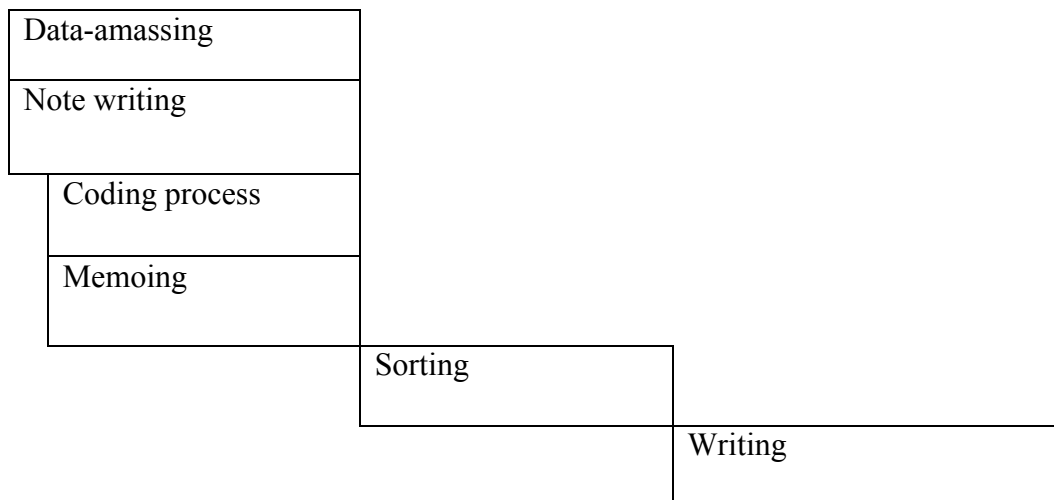
Conclusion

The researcher tried to achieve representativeness in the samples to the best of his capacity. In this regard questionnaires, surveys and interviews were used to get as extensive a point of view as practical under the circumstances, several data amassing techniques were used to triangulate outcomes, investigations and conclusions in this dissertation. Questionnaires fell under either open-ended or close ended categories.

1.2. Data Analysis

This is an act of inferring the meaning of what the researcher is observing and what is actually transpiring as well as the reports given by the respondents. Analysis entails the collection of data using the dependability, triangulation, due transferability and the credibility skills. The data will be presented after due analysis of trends in employment relations.

Stages in data analysis



Source: <https://www.Scu.Edu.AU/schools/gcm/ac/acp/grounded/html/>

1.3. Contribution to Literature

Labour voluntarism and autonomy in Zimbabwe can be referred to as an *adopted two faced shield* which is significant in deflecting the undue meddle by the government and the negative dominance of capital. African industrial systems adopted labour voluntarism and autonomy in a radical manner and it ignored the relevance of the institution of the family in the interval. This is the foundation of genuine labour voluntarism and autonomy because if women are given the free will at home by their spouses to engage in the trades of their choice cosmetic positions and benefits to women will be eliminated at the work place. Labour voluntarism and autonomy in the United States of America was achieved gradually through the widely popularized Wagner Act.

The period from 2000 to 2015 has seen the shift from the blatant suppression of unionism by the government and the hijacking of these institutions by politicians to the emergence of unbridled capital which is buttressed by the government and the monopoly of judicial institutions by the government to subvert court decisions in a bid to gain popularity from workers who are also voters in the regular and ceremonial elections. It is quite apparent that the government which is also an employer has unbundled an easy way of gaining political mileage by using remote legal instruments such as the common law to arbitrarily dismiss workers and craft fake respite by amending legal instruments to accommodate piecemeal retrospective application of laws. On this note, this is a new strategy at their disposal which reduces labour voluntarism and autonomy to a meaningless and ineffectual effort.

The author proposed the *Theory of Sensitivity and Influence* to explain essential services. Essential services have also been treated unfairly depending on the power and influence of a group of people under a certain occupation. Doctors and nurses are part of the essential services and doctors who work under the government have power due to the skills they possess. As a result, doctors are given more and timeous benefits in comparison to nurses to preclude their withdrawal of labour which would culminate into social unrest. Hence, essential services are used by political regimes to consolidate power strategically. This proposed theory will be given in detail in Chapter 5.

The issue in point is that the government leaves grey areas in legislation to leave room for future manipulation. Meaningful contributions have not been made towards finding measures to cushion labour from the relentless clutches of capital and the government as a result. Moreover, the emergence of new capital from the East has seen the unequal application of justice tilted in favour of Chinese capital. These problems have necessitated the labouring of labour. The research seeks to establish if labour voluntarism and autonomy is the real or merely the imagined. Hence, the researcher will take note of the use of labour by the government as a means to a political end as a hypothesis.

1.4 Ethical Considerations

The researcher duly observed ethical considerations throughout the research. On that note, all works used by the researcher to buttress and stress points and to exhibit the gaps in literature will be expressly noted by the aid of a bibliography and inside referencing. According to Smith (2003), if students take part intelligently to the conceptualization, design, implementation, assessment or interpretation of the research reported, they should be revered as authors. To this end, the researcher drew a line between his work and that of other scholars. Confidentiality and privacy of the identities of the target group was duly secured. Privacy is a right and enshrined in Section 57 of the Constitution, hence the researcher felt obliged to observe privacy of the researched. Limitations to confidentiality were spelt out with the target group, for example classified information which can only be divulged by high ranking personnel like the Secretary General of a trade union can be identifiable at a closer evaluation. The researcher also made it a

point that the respondents contributed voluntarily and independent of coercion. In this regard, the target groups were informed of the political nature of the research as issues of labour are anchored in politics in Zimbabwe. Ethical considerations give integrity to scholarly works, hence proper methods of data amassing were employed.

1.5. Delimitations of the Study

The study will focus on Zimbabwean trade unions in the matter of the two prominent ones which are the ZCTU and the ZFTU in an attempt to do stock of labour voluntarism and autonomy in the period from 2000 to 2015. Affiliate and ex-affiliate unions of the ZCTU and ZFTU like the Marondera Municipality Workers Union and the ZURCWU will also be investigated. The private sector companies like the Zuva Petroleum among others which are to be discussed in Chapter 4 will be targets for research. Labour autonomy will be analyzed by focusing on workers at an organization who are largely represented by the above mentioned unions. Furthermore, officials from the Ministry of Labour will be engaged in order to at least dissect the reasons of government intervention in labour issues and to regard what defines essential services. The study mainly focused on three provinces in Zimbabwe which include Mashonaland East, Midlands and Harare Metropolitan. The study requires the representative exhibition of tripartitism, hence the researcher will try to portray such to the best of his abilities.

1.6. Anticipated Limitations

This research encountered limitations like any other. Union officials and government officials are busy people and usually full of status. On this note, it was quite difficult to be squeezed in their already bloated schedules. The researcher gathered information from trade unions in Harare through questionnaires which were sent by e-mail. Questionnaires pose more limitations than interviews because they are much based on close ended questions and the interviewer was not capable of capturing emotions. The research is shrouded in politics because Zimbabwe's politics cause a premium on everything else. In this regard, the target group was indifferent to be involved and could express suspicion which was reasonable to some extent. Employees in the Ministry of Agriculture in Zvishavane District declined to be involved in the research and they hinted at unclear reservations. Moreover, the sample from ministries was quite small due to the fact that there is an average of three employees in a government ministry in every province.

Plant trade unionists are preoccupied with workers' matters and work pressure as well since they are also employees. In this regard, appointments which flopped were problematic to reschedule. Moreover, there is general controversy around issues of privacy and confidentiality, hence the target group was normally suspicious of what the researcher was going to do with the findings.

CHAPTER 2

LITERATURE REVIEW

2.0.Introduction

This chapter focuses on the history of labour voluntarism and autonomy which includes the development of the labour movement as discussed in the existing literature from its furthest possible origins hither to. The interaction between politics and employment relations will be regarded to determine the extent of its progressiveness. The issue in point is the regarding of labour voluntarism and autonomy in Zimbabwe from 2000 to 2015, hence history will be regarded in passing. The fundamental features of labour voluntarism and autonomy which include voluntary organizations which are trade unions and their role to the democratization of Zimbabwe, the right to create workers committees, the right to voluntary collective bargaining and the right to strike will be explored. Democracy is a prerequisite to labour voluntarism and autonomy due to the fact that the entitlement to organize and its concerted action can only be sustained in a participative and pluralistic environment. These elements provide us with a coherent package to help us to understand labour voluntarism and autonomy, hence signify its realization. The literature to be regarded takes the form of writings on the subject matter, the Constitution of Zimbabwe, the ILO Conventions, the Labour Act Chapter 28:01 and the respective amendments and also the Public Service Act which governs workers in the public sector. The research will also seek to assess whether public sector employees are enjoying labour voluntarism and autonomy in relation to their private sector counterparts. Moreover, the common law will be regarded to examine its position on the components of labour voluntarism and autonomy. To narrow it all down, this chapter will lay the foundation for the analysis of labour voluntarism and autonomy in the current system and to take stock of whether the current literature covers the practical underpinnings of the subject in question.

2.1.The Origins of the Labour Movement in Zimbabwe

The development of the labour movement in Zimbabwe from 1980 hither to, has an express bearing on labour voluntarism and autonomy in the period under study which stretches from 2000 to 2015. According to Sutcliff (2013) the labour movement has a double-faceted role which include providing checks and balances to government policies and activities which affect labour either impliedly or expressly and providing a patron role to affiliate unions within various sectors which work in its auspices. Bhebhe and Mahapa (2014) also posited that workers sought to propagate the conditions of their work places and to correct social disparities through their unions in the colonial era. This shows that trade unions have assumed a crucial role in propagating the interests of workers since the introduction of wage employment in the colonial period.

Labour voluntarism and autonomy entails the independence of workers in conducting their activities which shape the processes and outcomes of work. The right to voluntary collective bargaining, the right to strike and the right to form voluntary trade unions underlie

labourvoluntarism and autonomy. In Zimbabwe, like any other African country, labourvoluntarism and autonomy can be best illustrated as an adopted *two faced shield* which is significant in deflecting the invariable actions and plots by government and capital to offensively interfere in workers' activities of voluntarism. Mc Callum (2006) speaks of industrial citizenship to justify the fact that workers have a stake in employment relations.

The rights which build up labour voluntarism and autonomy are recognized and protected by the Constitution and the Labour Act, nevertheless the realization of these rights is elusive in Zimbabwe's employment relations to some extent. Sutcliff (2012) postulated that the labour movement in Zimbabwe has retained its potential as a liberating force from the late 1980s to 2012. However the period from 2000 to 2015 presents us with continuous and peculiar struggles for labour voluntarism and autonomy amid equally new and old tactics of diluting labour voluntarism and autonomy by government agencies and capital. In this regard Raftopoulos (2009) posited that neo liberal attacks on labour and the authoritarian rule of the ZANU PF regime have commonly been supplemented by violent political suppression. Labourvoluntarism and autonomy is extensively covered in labour international conventions and the Labour Act of Zimbabwe. Section 65 of the Constitution provides us with a coherent package of what labour voluntarism and autonomy entails which comprise of the right to belong to a trade union as given in section 65(2), the entitlement to participate in collective job action as provided by 65(3) and the right to voluntary collective bargaining as given by section 65(5) (a).

The components of labour voluntarism and autonomy which include voluntary collective bargaining and the right to collective job action are usually studied selectively by scholars. The structure and nature of employment relations make labourvoluntarism and autonomy a necessity. According to Braverman (1974) the major task of the capitalist elite is the monopoly of the labour processes in a bid to extract a maximum of surplus value by converting labour into job performance. In this regard, Tarugarira (2011) posited that the ZFTU was a calculated scheme by the government to dilute the vibrant ZCTU prior to the coming of the new millenium, in the matter of the year 2000. This was further worsened by the economic turmoil which still hold sway since the year 1997 and this prompted the flight of labour causing unionism to lose its membership. According to Matombo and Sachikonye (2010), roughly a three million individuals or a quarter of the entire population had emigrated to other countries by 2009 alone. This is a critical fraction which affected and still affects union power. In this regard, Saunders (2001) postulated that the development of labour voluntarism and autonomy was clear in the 90s which recorded about 184 incidents of activism from 1990 to 97 alone compared to the lingering 80s which recorded only 38 weak strikes. Alexander (2001) attributed the weak labour of the 80s to lack of knowledge of union functions and the rationale for collective bargaining by workers. This shows that workers, including those in the informal sector like the domestic employees should be educated with regards to the principles of labour voluntarism and autonomy.

The government of Zimbabwe is the major employer in Zimbabwe and it is evident that the revolutionarists who steer the tiers of power assumed the capitalistic nature of the colonial era

though in theory they purport to be socialists. Public Sector employees are largely governed by the Public Service Act which merely gives these employees the vague right to consult. Mereki (2012). Gwisai (2006) referred the period from 1990 hitherto, as the Neo Liberal Globalisation phase which is dominated by capitalistic privatization of assets. He sighted the Economic Structural Adjustment Programme of 1992 as the crossroads and seminal point of the modern day structure whereby privatization was adopted as a panacea to the distressed economy and social decline. Labour voluntarism and autonomy was made manifest to some extent during the period in question. According to Saunders (2001) ESAP is one of the variables which necessitated labour activism in the 90s. The government has been in cahoots with capital and this is still negatively militating upon labourvoluntarism and autonomy.

A myriad of legislative pieces have equally promoted and defeated labour voluntarism and autonomy from the year 2000 to 2015. These include the Labour Amendment Act of 2002, the Labour Act 7 of 2005, the Labour Act Clause 28:01 and the Labour Act Amendment Number 5(HB7) of 2015. According to the ZCTU (2015) The new amendment to the Labour Act also gives the registrar unbridled power in the clause ‘as the registrar regards fit to enforce’ which refers to the administration of trade union structures. This is contrary to the provisions of the ILO Convention on Freedom of Association and Protection of the Right to Organize (1948) to which Zimbabwe is a signatory to and this convention strictly requires trade unions to be voluntary. Hence, statutes provide for labourvoluntarism and autonomy but make it elusive through conflicting provisions.

Labour is under constant tight clutches of the government as shown by the period from 2000 to 2015. In this regard, section 18 of the Labour Act still makes a woman who has gone on maternity leave for three times under one employer not eligible for maternity leave. Moreover, sections 104, 106, 107, 109, 110 and 112 of the Labour Act dilute the right to strike. Gwisai (2009) holds that historically, labour voluntarism and autonomy was unknown to the black worker under the colonial regime and subsequently after independence up until 1986, the state was corporatist in nature and ultimately from 1986 hither to, unionism has been somewhat granted a modicum of autonomy. Raftopoulos and Sachikonye (2001) echoed these sentiments when they postulated that despite the fact that labour had played a crucial function in the independence of Zimbabwe tensions with nationalists over its autonomy remained unabated and spilled over into the post-colonial period. The labour movement is a potential threat to the government due to the fact that maladministration affects the economy and employment interactions since employment would be lost and incomes would get subdued.

The labour movement in Zimbabwe has been instrumental in the process of bringing democracy to the society. According to Saunders (2001) It was clear from inception that unionism has been set on liberating the general man and democratizing politics despite the iron hand of the government which was used to crush the 1980-81 strikes. Summarily, labourvoluntarism and autonomy is essential for the individual worker to overcome what Marx (1988) termed as alienation which portray the worker as detached to his labour and the product of his toiling.

According to Gwisai (2006) by alienation Marx meant that the poverty of the worker aggravates the more wealth he gives and the more his production enhances its power margin. Sutcliffe's (2012) statement that neo liberalism of the SAPs of the 90s and the ZANU PF regime's authoritarianism contributed to the loss of power by labour reflects alienation. Necessity knows no limits, hence labour voluntarism and autonomy should be safeguarded due to the fact that the wellbeing and dignity of the worker in society is the prime motivation behind his or her resolution to commit to an employment relationship. Sutcliffe's (2012) statement which says that "*usanete Mushandi Shinga! Qina Musebenzi Qina!*" (Labour should be resolute) which he expressed in three major languages used in Zimbabwe speaks volume and vehemently urges the worker to put up a good fight and rise above all the impediments to his or her autonomy.

2.2. The Role of Trade Unions to the Democratization process and the Propagation of Voluntary Collective Bargaining in Zimbabwe

Trade unionism is the institutional mechanism which sets the wheels of labour voluntarism and autonomy into motion. Nevertheless, for unions to realize the complete effect of free collective bargaining and a right to strike, these unions should be autonomous. Bourne (2002) postulated that in the modern history of Zimbabwe, workers and trade unions have taken the command as an autonomous public voice for fairness and parity. According to Bourne (2002) the Industrial Commercial Workers Union (ICU) is a typical labour union for equality against the white rule injustices of the colonial era. This point portrays trade unionism as a continuous pulse of civil society as it has reflected a mandate of liberating the society as a whole not just the immediate worker's welfare. Kraus (2007) holds that several studies of democratization in Africa disregard the essence of trade unionism in liberating countries' political space. In this regard, democratic environments are enabling terrains for labour voluntarism and autonomy. Labour unions can bring democracy to societies as noted in the case of Zimbabwe.

Trade Unions are generally known as voluntary organizations which are organized by workers through their right to organize. According to Webb and Webb (1920) a trade union is an ongoing voluntary association of wage earners for the objective of retaining and improving the state of their working lives. Hence, labour voluntarism and autonomy is the prerequisite for voluntary action which is not an end but a procedural means to deflect unhealthy external interference from capital and the government and ultimately enable workers to command fulfilling and dignified lives. According to The Herald (2016) Workers Committees serve as the primary conduits at the industrial floor level but are not given due reverence in Zimbabwe due to the fact that they do not have the right of audience in a court of law. Hence, workers committees are important in ensuring the observance of labour voluntarism and autonomy on a daily basis at the plant level.

Labour voluntarism and autonomy has been approached by scholars from different dimensions which are largely selective. According to Marx (1988) if trade unions want to effectively obtain their goals, they should not be involved with political parties or let them cause a premium on their voluntary activities. In this regard, Karl Marx's statement defines labour voluntarism and autonomy articulately because he stressed the importance of the independence of workers'

unions. According to Sutcliffe (2012) The ZCTU has proved to be a coherent and continuous organization as it has stood for workers' interests since independence in 1980. Hence, continuous existence satisfies a union status on one hand and bears witness to the progressive development of the labour movement on the other. Raftopoulos and Phimister (1997) also posited that the ZCTU was head strong on creating a critical distance from the Zanu PF regime. In this regard Bond and Saunders (2005) attributed the ZCTU's conviction to detach from the government to authoritarian tendencies and vice of the regime. Alexander (2001) subscribed to this perception by postulating that the ZCTU's relationship with the regime was purely paternalistic in the period between 1980 and 1986. Nevertheless, Saunders (2001) viewed the early labour movement as not a complete extension of the government. He postulated that the ZCTU as the pulse of the labour movement has fought ceaselessly to assert a voice independent of the government since independence as noticed by the crushed strikes between 1980 and 81.

A significant development was recorded by the turn of the second decade as workers started to strike and the ZCTU began to assess the public policy making process. According to Sutcliff (2012) labour in Zimbabwe represented an anti-neo liberal and prodemocracy agenda with ESAP and unemployment as the impetus. Many strikes were recorded during this period a clear indication of labour voluntarism and autonomy on a national level. Miriam and Hosinski (2013) sight the 96 strikes by nurses and doctors and other civil servants as clear indication of the development of the labour movement in the 90s. These strikes were a way to show disgruntlement over poor working conditions, subdued incomes and the ripple results which had been prompted by the austerity of ESAP in the early 90s which were still being felt. Hence, the ZCTU established itself as the union at the center of the labour movement due to the fact that it sought equality in employment relations and pluralism in politics.

The third decade of independence saw labour losing ground as the ruling party started adopting drastic measures to enhance power. According to Sadomba (2011) The government embarked on a cosmetic land reform in 2000 with no sound foundation to support the seemingly noble idea on face value and this caused the ZCTU to lose much of its membership in the farming set ups. Miriam and Hosinski (2013) referred the year 2000 to 2015 to as a decade of uncalculated policies and subjugation of the Labour Movement. Repressive statutes were also enacted by the government to control employment relations and this compromised labour voluntarism and autonomy in the interval. According to Mc Candles (2011) labour forums and voices of dissent were suppressed in the 90s. This shows that trade unions are facing struggles with the government in the third decade of independence.

The current terrain of employment relations is dominated by two umbrella bodies which are the ZCTU and the ZFTU body which came in the late 90s. The period from 2000 to 2015 has seen the losing of ground by unions due to a myriad of factors which stem from the political economy, stifling legislative provisions, amendments to the labour law which are driven by politics, express government intervention and the emergence of unbridled capital which is buttressed by the Judiciary. According to Miriam and Hosinski (2013) the new constitution has pathetic worker

protections. Despite the fact that the new Constitution was already in force, injustices were perpetrated by employers cutting across the private and public sectors after the Supreme Court verdict of July the 17th 2015 which served as an invasive impetus. The new millenium, in the matter of the year 2000 saw the government of Zimbabwe taking drastic measures to pacify previous loyalists who were falling out of love for the party which include the war ex fighters and party members. According to Sadomba (2011) The Land Reform was radically instituted as a matter of urgent need to maintain the shaky support base and was cosmetic in nature. Gwisai (2006) also corroborated by positing that the farm seizures made the ZCTU to lose some of its membership. Tandon (2001) further brought clarity to this notion by positing that the institutional failures of unionism among workers in farms left ZCTU incapacitated in consolidating harmony with farm workers in the 2000s. Nevertheless, it has not been brought to light that the new black farm owners are conservative and wouldn't want their workers to be enlightened as observed generally by the researcher. This is forgotten labour which is yet to see the light of voluntarism and autonomy.

The circumstances surrounding the year 2000 hither to, reflects that the bargaining power of the Labour unions has been lessened in the interval and this has been obviously an impediment to their power and autonomy because power is an essential attribute of autonomy. According to Doellgast and Benassi (2004) collective bargaining is the most evolved collective voice of workers within the dictates of domestic and international law. Collective bargaining has to be conducted in goodfaith to achieve labour voluntarism and autonomy. Domestic and international law seek to promote labourvoluntarism and autonomy and this shows its importance in employment relations.

The loss of union power is a product of a historical development. Gwisai (2006) postulated that the ZCTU came amid a repressive state which had been inherited from the colonialists. Sachikonye (1996) subscribed to this view when he stated that the ZCTU was perceived as a labour branch of the ruling party just like the youth wing or the women's segment. Immediately after independence from 1980 to 1986 in particular, labour voluntarism and autonomy was elusive as the heavy handedness of the ruling party militated upon its freedom. According to Sutcliffe (2012) the veteran leaders sought to control unionism and they appointed Albert Mugabe, the president's brother as the Secretary General in a bid to be assured of unwavering loyalty. As a result, virtually no checks were made on the government and the effects of unduly calculated policies with populism as the motivation like subsidies which were sanctioned by the government still weigh heavily on the economy and society of the period from 2000 to the author's time of writing. Hence, trade unions need to be independent of external forces which include the government and capital.

Politics invasively affects labour voluntarism and autonomy. According to Marx (1988) if they seek to achieve their task, trade unions should never be attached to a political organization or put themselves under its control. The second decade of independence which stretches from 1990 to 2000 saw a positive development of employment relations with regards to labour voluntarism

and autonomy as the ZCTU began to assert an independent voice and to challenge government's policies. While Bond and Saunders (2005) holds that the 1985 ZCTU congress called for independence which was to be realized in the 90s with Tsvangirai from the mines as the Secretary General, Sutcliff (2012) regards the 90s as the threshold for the positive development of employment relations due to the fact that it represented an anti-neo liberal agenda. With the coming of the new millennium in 2000, the ZCTU was making colossal strides which went beyond butter and bread issues to cover the democratization of politics.

The Movement for Democratic Change was generated out of ZCTU leadership. According to Ncube and Philip (2006) labour and the civil society have played a pertinent role in the course of democratizing Zimbabwean politics. However, the ZCTU became much of a convert as it began to be manipulated by the MDC as more of its extension, militating upon its independence. Sutcliff (2012) impliedly commended the relations between the ZCTU and the MDC by noting that the ZCTU leadership abandoned the management of the union and prioritized making campaigns for the MDC close to the 2002 elections. Nevertheless, Miriam and Hosinski (2013) hold that the ZCTU remained independent but has been unjustly coined an extension of the MDC by ZANU PF to compromise its cause. The economy of Zimbabwe lost ground partly as a result of the Land Reform Programme and the ramifications of the subsequent economic sanctions and this impliedly sapped the unions' bargaining power as this meant that they were obliged to adjust to the performance of specific industries. According to Miriam and Hosinski (2013) the 2008 inflationary spree of well over 231 million percent was as a result of a number of variables amongst them a disregard for union voice. The government should regard the view points of the labour movement due to the fact that it is a crucial part of the civil society.

The government of Zimbabwe enacted POSA and AIPPA which are extensively perceived as elite founded policies meant to serve the vagaries of the government which aim for power consolidation. According to McCandles (2011) consecutive legislation which include POSA and AIPPA of 2002 were enacted to discourage organized labour and the concerted activities. The POSA Chapter 11.17 of 2002 still criminalizes the right to organize without following due course and unlawful strike action has been deemed an attraction to criminal liability.

The third decade of independence saw the decline in power of the labour movement. Though the land reform policy has attracted both positive and negative evaluations alike, in the lenses of labour voluntarism and autonomy it weakened union power to some extent. Mechanisms which cushion labour in the resettled farms were supposed to be enacted, a case in point being educating the new farm employer and employee about fair labour practices. According to Raftopoulos (2009) The government of Zimbabwe saw it fit to impose strict conditions to subdue the voice of dissent and in 2005 they called for a *Murambatsvina* town clean-up policy which is widely assumed a political gimmick meant to be a convenient riddance to the opposition supporters and the civil society was not spared by this dragnet of a policy. According to Raftopoulos (2009) operation *Murambatsvina* of 2005 forcibly displaced a large number of informal workers and lowly paid formal workers from illegitimate shacks in urban areas and

were forced to relocate to rural areas. Subsequently, the year 2006 and 2007 saw the acute loss of value of the Zimbabwean dollar which expressly affected union administration by making union dues unsustainable. The loss in value of production meant a pittance of income was to be given to the employee.

The year 2008 and its wild cat political events brought about the GNU which was a political deal between the MDC and ZANU PF designed to bust the 2008 post-election violence and trade unions welcomed this move as a chance of hope during distressing times. Nevertheless, this period which spans from 2009 to 2013 was prematurely welcomed due to the fact that as soon as the opposition entered into government its leaders started pursuing their self-interests and the Zanu PF party made sure that their positions in government remained powerless. Miriam and Hosinski (2013) coined the GPA as a frustrating and dooming political compromise. This has not been dealt with at length in literature and when Gwisai (2006) coined the period from 1990 to the present day Neo Liberal Globalisation, his generalization was overly unwarranted. This period needs intensive exploration with regards to the development of the labour movement in Zimbabwe as the struggle for pure political power has dominated the period compared to the erstwhile neo liberalism which was entrenched by ESAP and which has become inherent to employment relations.

The period from 2008 to 2015 was somewhat favourable to trade unions and workers as the coming of the United States dollar in the monetary system enabled sustainable investments. This empowered unions to fight for labour voluntarism and autonomy to some extent as union dues became quite sustainable. This favourable employment relations climate extended into the fourth decade. Nevertheless, the year 2015 saw the unfolding of unanticipated events which assumed the nature of an unbridled capital which did as it saw fit and its actions were endorsed by the courts. The widespread dismissals which came after the July 17th Supreme Court verdict were as a result of grey areas in the Labour Act, in the matter of Section 12. This further justifies the study of labour voluntarism and autonomy in Zimbabwe as these grey areas in the Labour Act need to be bridged.

The government leaves grey areas in legislation for future manipulation. According to Magaisa (2015) The Zuva petroleum workers Supreme Court verdict has seen the shift from the blatant suppression of unionism by the government and the hijacking of these institutions by politicians to the emergence of a capital which is supported by the judiciary and the monopoly of judicial institutions by the ZANU PF government to subvert court decisions in a bid to gain popularity from workers who are also voters in the ceremonial elections. The legislature responded by amending the Labour Act to accommodate the retrospective application of laws amid pressures from the ZCTU to give respite to workers. This has caused a lot of strains between the already desperate employees and organizations which are struggling to perform. The events in question suits with Farnham and Pimlott's (1995) view that modern unitarism is characterized by the weakening of union power and the strengthening of the prerogative of management. The unitary

model of employment relations is obsolete and should not be subscribed to in employment relations.

The amendment provision which accommodates retrospective application of the law seemed like a noble and constructive motive by government to achieve social justice, nevertheless this would actually disempower workers in the long run. This is due to the fact that companies are performing poorly due to Zimbabwe's troubled economy and when forced not to lay off workers which they could no longer sustain, winding up operations would be the only measure of last resort available to organizations. In this regard, the 2015 labour amendments were invasive to labour voluntarism and autonomy to some extent. Trade Unions' weakness of acting when the harm has already been done was shown by these events. Marx (1988) attacked trade unions of being much of defensive than reactive and the Zimbabwean trade unions are not spared from this folly. Measures to placate workers from these adverse conditions which always loom justify the study and the future has to be predicted using history and the current trends as the foundation.

Labour voluntarism and autonomy through the right to organize remains subdued regardless of the fact that workers have fought the struggle for its realization across societies and throughout history. During the colonial era in Zimbabwe the right to organize was not given and it was even worse for blacks who were not regarded as actual employees with labour rights. According to Gwisai (2006) during the colonial era, decent jobs and the proper terms of a worker which include apprentice and employee were exclusively for whites. In most settings, trade unions are at loggerheads with the government as postulated by Hollinshead et al (2003). According to Hollinshead, et al (2003) the history of the trade unionism is characterized by confrontations not only against employers over conditions of work and remuneration, but against governments for the right to subsist. Gwisai (2006) dissected the history of labour voluntarism and autonomy into four phases which comprise of the primeval accumulation which was characterized by the dispossession of property which belonged to the indigenous blacks by the white colonialists, corporatism under the colonial state which stretched from 1930 to 1980, postcolonial state corporatism which existed from 1980 to 1990 and ultimately Neo-Liberal Globalization which spans from 1990 to the present day.

Primitive accumulation entailed the generation of capitalism through fraud, force and invasion for example, the first Chimurenga with the subsequent land dispossession. It is evident that labour voluntarism and autonomy was completely unknown to the indigenous people. The second phase which is termed the settler colonial state corporatism is regarded as an impetus to the modern day labour voluntarism and autonomy. According to Gwisai (2006) although interactions in production were still based on race, the Industrial Conciliation Act of 1959 and the Factories and Works Act gave the black workers a measure of voluntarism. The ICA had provisions which promoted fairness in employment relations. Postcolonial state corporatism is the third phase which saw the creation of a black trade union in the name of the ZCTU in 1981. Nevertheless, the colonial government's heavy handedness was retained and the one existing

union was a mere extension of the Zanu PF party. Sachikonye (1996) impliedly referred to the ZCTU of the late 80s as a paper tiger as indicated in the preceding discussion.

The last phase is the Neo liberal globalization which saw the coming of an economy founded on free market principles under the auspices of the controversial ESAP of 1992 and the subsequent ZIMPREST. The negative economic and social impacts of the Economic Structural Adjustment Programme caused militancy which was fuelled by trade unions. According to Zeilig (2002) During the 90s, trade unionism had remarkable verve and the stay aways and strikes which loomed throughout the period gave the government a hard time. Sutcliffe (2013) postulated that trade union militancy saw awards of compensation and declaration of rights being given to employees. Nevertheless, by the approaching of the new millennium, the government started to tighten its grip on employment relations.

The coming of the new millennium saw the enactment of repressive legislation by the government such as the POSA and the AIPPA. According to Machingambi (2007) POSA was enacted to control voluntarism and the right to organize. History of Zimbabwe's employment relations shows that labour voluntarism and autonomy is much of the imagined than the real and this resonates with the current state of situation, although the 90s were favourable to an extent.

2.3. An Evaluation of the Extent to which the Right to Strike is Given Effect

The right to strike underlies labour voluntarism and autonomy. Autonomy relates to the right to strike in the sense that workers will be independent in making decisions on whether to withdraw their labour or not without fear of retaliation, cumbersome procedural technicalities and unwarranted penalties. Machingambi (2007) extolled the right to strike as a legitimate weapon which makes workers even with their employers and ultimately ensures the equal distribution of power between workers and the employer. The right to strike coerces the employer to reasonably renegotiate with workers after the employer would not have shown reasonableness in collective bargaining. Labour voluntarism and autonomy denotes the entitlement to organize and form workers' organizations and strike action is largely exercised by trade unions as voluntary organizations. In this regard, trade unionism is the institutional mechanism which ensures the propagation of labour voluntarism and autonomy. According to the Labour Act only a registered trade union has the right of initiating a strike and any other strike carried out outside the dictates of the law in question is without merit and would ultimately attract criminal liability.

It is worth noting that the right to strike is guaranteed by the Constitution of Zimbabwe. Section 65(3) provides that every employee is entitled to the right to collective job action which comprises of the right to strike and labour withdrawal. Labour voluntarism and autonomy is protected by this provision in the sense that the Constitution is the supreme law of Zimbabwe derived from the entire people of Zimbabwe. Rousseau's (1950) statement on the general will which states that "each submitting himself to all, submits himself to no one" shows that this provision was not imposed by external forces. Nevertheless, the same provision dilutes the right to collective job action by depriving *essential services* the same right.

The *essential services* rhetoric is not a new phenomenon but was borrowed from the colonial era. According to Gwisai (2006) during the colonial era virtually all sectors were proclaimed essential and the right to strike was expressly inadmissible. According to Bhebhe and Mahapa (2014) The UDI government of 1965 saw it imperative to quell black militancy in every way possible and in the same token, the Zanu PF government gathered and fixed the same *pieces of colonial chains* to quell voices of dissent and silence a clamour for parity in employment relations. The right to strike is curtailed by the law. Hence, the impediments to labour voluntarism and autonomy are as a result of the colonial history to some extent.

The labour Act with the necessary changes which were instituted in the subsequent amendments has been used to govern employment relations from the year 2000 to 2015 by virtue of the instrument's provision of detail and specialization unlike the constitution. Inevitably case law in labour is decided much basing on the Act than the Constitution, hence the 17 July Supreme Court verdict was reached after the regarding of the act and common law. It is apparent that collective bargaining works only when the concerns of the employees tally with the employers' interests to some extent. According to Miriam and Hosinski (2013) the case of Zimbabwe Energy Workers Union (ZEWU) and the ZESA Technical Employees Association (ZTEA) confronting the ZESA Company in legal disputes over unfair dismissals is clear testimony that collective bargaining is ineffectual to some extent. In the matter of the right to strike, the law is tilted in favour of the employers as the right in question is virtually stifled. Miriam and Hosinski (2013) sight the 2006 strikes by the ZCTU which prompted the government to employ security agencies to quell it. According to Gwisai (2006) labour law portrays co-operation and justice only on paper. In this regard, the study is justified because it is imperative to do a stock of whether labour law and its institutional mechanisms have been flat out to reach social justice or they were crafted by capitalists with prosecutorial interests.

It is worth noting that legislation is proposed and enacted by politicians, hence politics determines employment relations. According to Saunders (2001) The government dominates employment relations due to the fact that it has the power to approve or disapprove strike action. Nevertheless, equality should be the motivation behind the enactment of statutes which govern employment relations. Power politics cannot be reconciled to issues which relate to the people's very own lives, hence willfulness on the part of politicians is imperative to confer full effect on labour voluntarism and autonomy.

The Labour Act has made a significant evolution in the history of employment relations in Zimbabwe. In the current context, the right to strike is provided in Section 104 of the Labour Act. Nevertheless, the Act went on to state that the right to strike is only lawful when it arises from a *dispute of interest*. On the other hand, legitimate expectation and grounds which are embedded in the *dispute of right* are without merit and are empty grounds for justifying strike action. Furthermore, the dispute of interest itself is negatively militated by procedural technicalities which are involved.

The show cause and disposal orders also stifle the right to strike. Section 106 of the constitution gives the minister, a prerogative to issue a show cause order to the striking workers to exhibit why the minister shouldn't issue a disposal order to stop the strike. As if this is not enough, the Act goes on to preclude *essential services* the right to strike as highlighted above. Unlike the constitution, the act gives the minister the prerogative to prescribe essential services as he or she deems necessary. According to The Republic of Zimbabwe 7th, 8th, 9th and 10th Report under the Charter on Human and People's Rights (2006) The right to strike is nugatory due to the fact that virtually all sectors are regarded essential. Section 108(4) provides that an employer is not obliged to remunerate an employee for the services that an employer doesn't render during a strike despite its legitimacy. This discourages the right in question because an employee cannot bear to lose his or her wages in such a struggling economy.

The curtailing of the right to strike reduces the employee's autonomy and power and increases the employer's power on the other hand. This has seen the dismissal of workers at will by employers, for example in 2015 the Zuva Petroleum workers dismissed some of their employees basing on their common law right to dismiss workers on notice. This prompted the government to amend Section 12(4) of the labour Act which was quite too little too late as the harm had already been done. It is quite ironic that the government also took the chance to dismiss employees due to the fact that it was finding it difficult to continue sustaining them amid the declining economy. According to New Zimbabwe (2016) random head counts were conducted by the Civil Service Commission which is a segment of the government in the civil service in 2015 which mainly targeted teachers and ZIMTA expressed reservations over the government's adoption of the right to consult from the colonialists which it regarded as synonymous to the slave and master relationships. Those who were not found at work were unduly and indefinitely suspended. According to Mereki (2014) Teachers are public servants and are governed by the Public Service Act which gives them the vague right to consult.

According to Coomer and Gstraunthaler (2011) the period from 2005 to 2007 saw the acute loss of value by the Zimbabwean dollar and throughout the period in question disposable incomes lingered subdued. The employees who had rendered their services throughout this period of social decline were not meaningfully compensated. Nevertheless, this was not the case with the arrears which those same workers owe the central and local government which were translated into somewhat unreasonable estimates despite the fact that some people work with the said sectors. Tarugarira (2011) posited that the ineffectiveness of collective bargaining shown by a myriad of cases referred for arbitration shows that trade unions have gone powerless in the 2000s. Arbitration is replacing voluntary collective bargaining. Hence, this research seeks to investigate the reasons behind the docility of trade unions at the face of extreme social and economic decline.

The exercising of the right to strike stretches beyond the three and half decades of independence to incorporate the colonial era. Strike action as a right should be available to workers to compel employers to meaningfully negotiate with them in a bid to reach a win to win outcomes in

employment relations. On a Marxist perspective it can be referred to as an integral factor in overcoming individual alienation of workers. According to Holinshead et al, (2003) by alienation, Marx meant that we become broken as individuals and separated from our actual selves. Hence, labour voluntarism and autonomy is needed to overcome worker alienation.

The problem with the right to strike is part and parcel of the colonial past. According to Gwisai (2006) since the colonial era, the right to strike was not known to black labour and he sights the Master and Servants Ordinance Act of 1901 which legalized whites to forcibly force blacks to provide labour. This shows that labour voluntarism and autonomy was not known to the indigenous blacks during the period in question. Raftopoulos and Sachikonye (2001) noted that the Rhodesian Railway Workers Union of 1916 spearheaded the first strike under the settler regime and was spearheaded by whites. However, the railway strikes of 1945, the 1954 Wankie strike and the 1948 General Strike either involved black employees or were initiated by black workers organizations. Gwisai (2006) also sights the 1962 massive strikes which were reactionary to the coming of the conservative petite bourgeois led by the Rhodesian Front as an impetus to the rising of nationalism. In the first decade of independence no significant strikes were witnessed largely due to the fact that the ZCTU was an extension of the ruling ZANU PF party and workers were still enjoying the spoils of independence. According to Saunders (2001) labour unions lacked initiative to strike in the period between 1980 and 81 and secluded strikes in the period in question were harshly quelled by the ZANU PF government. Saunders' claim is problematic to consider in any serious way taking into account the fact that at independence workers were too flustered about liberty to protest against the new government, however his statement helps us understand the docility of unionism at the time in question. Alexander (2001) dismissed the minimum wages of the 80s and early 90s as paternalism apparent of the government and ZCTU. The Labour Relations Act was adopted by the independent Zimbabwe in whole, only to receive its first amendment in 1985. Workers have fought for voluntarism and autonomy since the emergence of employment relations.

The second decade of independence recorded considerable strikes reflecting the positive development of employment relations. According to Raftopoulos and Sachikonye (2001) the ZCTU began to assert an independent voice in 1990 when it fought the government's attempt to create a one party based state. This goes to prove that the Labour Movement in Zimbabwe has been long concerned about the democratization of politics which creates an even playing field in employment relations. Considerable strikes were witnessed from 1996 to 1999 and were fuelled by the ZCTU which later provided its leadership for the formation of the Movement for Democratic Change as highlighted in preceding sections. According to Gwisai (2006) the general strike of December 1996 was a dragnet which included even farm workers. These strikes transcended essential services as doctors and nurses fully participated. In this regard, labour voluntarism and autonomy is apparent in the 90s.

According to Matombo and Sachikonye (2010) The Labour Relations Amendment Act No. 17 of 2002 incorporated public servants though it was still repressive with regards to the right to

strike. The government's initiative to do the impossible is not new but a trend which has been assumed to pacify militancy as a means to gain political capital. According to Mereki (2014) the amendments to the Companies Act legalized the employee takeover of companies which would be conducting unfair dismissals to outwit the MDC which was gaining political ground. The ZANU PF government has consolidated power since independence, hence it has influence in parliament. According to Matombo and Sachikonye (2010) A backslide was experienced in 2005 through amendment No. 7 which removed public servants from the Act under unclear circumstances. Sutcliffe (2013) posited that the Committee report coordinated by Lovemore Madhuku and others advocated for a full right to strike which included the incorporation of public servants into the act. This committee was significant to the coming of the Labour Act Chapter 28:01.

The change in government policy with regards to the Look East policy and the Land Reform brought about new capital from China and the black commercial farmers respectively. Moyo and Yeros (2007) hold that Chinese business owners have been enjoying impunity from their defiance of labour laws and the elitist land reform created a weak capital which uses the most inhuman labour practices. This reflects the heavy brunt of unfair labour practices which is being experienced by workers. According to The Worker (2015) Unfairness being perpetuated by Chinese capital can be sighted from the Xin Yu Mining Company based in Gweru which has been reluctant to pay up salary arrears back dated to 2011. The labour in commercial farms is not that conversant to labour laws and the provisions in labour laws are also written in legal terms which cannot be easily understood by the average farm worker. These unfair labour practices involve long working hours and incomes which are not really disposable hence measures to rectify these issues need to be explored.

In the third and fourth decade some cases of the use of the security services by the government to silence the voice of labour has been reported. According to Pollack (2011) the CIO has been the architect of numerous detentions, beatings and threats to labour activists. The circumstances surrounding the right to strike are a product of historical development of employment relations.

2.4.1. The Origins of Labour Internationalism in Zimbabwe

Labour internationalism can be traced from the threshold of the independent Zimbabwe. The 21st Century has seen the reduction of the world into a global village and labour relations were affected by the proliferation of migrant labour across borders to which Zimbabwean masses were not spared. Neo-liberal globalization gave rise to labour internationalism as labour in different states all over the globe sought to protect itself from foreign capital like multinational companies which pursued profits and overlooked the interests of the workers. According to Harvey (2007) neo liberalism is a blatant and palpable creative damage. This prompted the generation of ideas for the creation of International Labour Associations to combat the effects of neo-liberal globalization.

The need to establish uniform labour standards and practices under the auspices of the ILO is a way of propagating equality in employment relations across borders. According to Barchiesi (2010) labour has suffered immensely with the imposition of neo-liberal globalization by world capitalists which entail downsizing of the public sector, proliferation of social disparities and the economic governance of the minimal state. In this regard the International Labour movement is a form of an international civil society which has assumed an influential role in international relations. According to Haas (1958) There is no widely known definition of labour internationalism due to the fact that international relations theorists have somehow overlooked this field. Nevertheless, for the purposes of this dissertation labour internationalism will be defined as efforts towards the mobilization of labour to form an international labour movement which seeks to make national boundaries somewhat porous. Haas (1958) placed neo-functional paradigm of International Relations in the context of industrial relations by citing its major tenet which depicts that trade union activity will eventually diffuse to other sectors all over the globe. A good case in point to buttress Haas' premise is the early ZCTU which courted international support prior to its establishment. According to Yeros and Moyo (2001) the ZCTU's establishment was funded by the ICFTU and the AFL CIO of the USA in 1981. This corroborates the fact that labour internationalism was *born twins* with the labour movement in Zimbabwe.

2.4.2 Factors which prompted the rise of Labour internationalism

The 90s saw the coming in of neo liberal-globalisation which was being prescribed by the Bretton Wood twins in African ailing economies through SAPs and this affected trade union internationalism in the sense that workers across borders saw themselves facing a new threat to their autonomy in the mould of international capital. In this regard, deregulation which was prescribed by ESAP to the Zimbabwean economy entailed the selling of state owned enterprises like parastatals to foreign firms. The influx of Multi-national companies resulted in the revisiting of the already piecemeal and strained labour laws. According to Bond and Saunders (2005) the end of the cold war saw the creation of a unipolar system with the United States of America at the helm which prompted it to control the IMF which forced Zimbabwe to adopt austerity which entailed deregulation and the devaluation of its currency. This resulted in severe unemployment and cuts in public expenditure. According to Raftopoulos and Sachikonye (2001) The ZCTU fought the government's reluctance to respond to neo-liberal tendencies throughout the second decade and this was expressed through stay aways and demonstrations.

The third decade saw an unanticipated twist of events as the government embarked on policies which were meant to empower its people at face value. Gwisai (2006) coined the period from 2000 hitherto, as neo-liberal globalization which is characterized by free market economic policies. Some of these policies, together with an iron grip on labour labeled Zimbabwe, *a pariah state* in the global village. According to Heidenreich (2007) Malawi and Zambia were also affected by SAPs. Nevertheless, the economic crisis were not solely due to the government's uncalculated policies but the Western prescribed ESAP which had invasive conditions as

indicated above. The fast track Land Reform was a policy which was welcomed diversely by stakeholders in the public policy making arena. According to Moyo and Yeros (2007) The nationalists applauded the land reform as a measure at empowering the majority and the International Community regarded it as an affront to human rights and a defeat of the Constitution. As a result, a set of sanctions were imposed on Zimbabwe by the EU. According to Sikwila (2013) Sanctions partly necessitated the plummeting of the economy and inflation became the order of the day till late 2008 when the government embarked on multi-currency to bust inflation. Labour migration to countries like South Africa and overseas ensued. Meanwhile, the ZCTU resolved to fight neo-liberal globalization policies unceasingly. According to Bond and Saunders (2005) the ZCTU fought the global pushes to generate economies which are based on free markets including combined agreements such as the Doha Development Round. This points to international trade unionism in the making.

The Maricanna massacre in South Africa was also unreservedly condemned by labour unions in the African region and elsewhere. According to Chinguno(2011) Thecondemnation of the Maricanna attacks by labour unions across borders shows the resolve by trade unions to unite into an international labour association. According to Fin24 (2015) South Africa assumed the status of *a pariah state* in the region and abroad when unbridled xenophobic attacks were instituted against foreigners from countries like Zimbabwe, Mozambique and Somalia. The xenophobic attacks placed South Africa into disrepute and necessitated the fall of the rand as posited by Fin24 (2015). The problem was that labour, including migrant labour would bear the brunt of the sapped rand by working in a now unrewarding economy.

Marange diamonds which have been widely regarded as blood diamonds have also resonated with labour internationalism. Many contractors especially from China grabbed diamond mines and Zimbabwean labour was rode roughshod. According to The Worker (2015) the Xin Yu Chinese Mining Company has been reluctant to pay workers' salaries back dated to 2011. Newsday (2013) also postulated that no considerable value has been added to the locals by Chinese conglomerates due to the fact that many Chinese companies normally come with their own workers and only a handful of locals are employed by these companies. This will prompt the Zanu PF regime to nationalize like what it has done in the past with other sectors. Labour internationalism resonates with labour voluntarism and autonomy as Marx (1988) put it by his call on workers of the world to unite against the vagaries of capital.

2.5. Labour and Gender

2.5.1. Gender and Primitive Labour in the Pre-Colonial Society

Labour and gender in Zimbabwe can be traced back to the primeval societal establishments though it was not yet organized like the modern labour arrangements which were prompted by the emergence of capitalism. According to Schmidt (1988) in the pre-colonial Africa if women wanted to enhance their social status they had to produce crops but labour and land were controlled by men who had been previously preoccupied with hunting and primitive mining. It is

evident that patriarchy is a historical phenomenon which still holds sway in Zimbabwe's employment relations.

The pre-colonial society reveres labour as a means to survival. According to Bhebhe and Mahapa (2014) The pre-colonial society's means of production were controlled by chiefs who required subjects to seasonally provide labour in the *zunde* (the chief's land for farming). Hence, labour and gender in the pre-colonial society has to be regarded in the light of the use of land as the channel of production. Pankhurst and Jacobs (1990) posited that women in the primeval Zimbabwean society were obliged to supply crops to the family for them to be entitled indirectly to land and the fruits of labour. According to Word Press.com (2012) women in the pre-colonial period were reliant on men due to the fact that men controlled labour and land. Patriarchy militated upon labour voluntarism and autonomy in the pre-colonial era. According to Boserup (1970) women's control over the channels of production differed with the arrangements of a particular economy, power distribution in a marital set up and family composition. He further posited that the power of a man became enhanced by each time he acquired more wives. This is true given that observation of the current rural set up reflects polygamous marital arrangements to some extent and the average uncivilized man can marry many wives with the object of amassing labour for his rural land.

The regarded literature provides that women in the pre-colonial Zimbabwe enjoyed a measure of labour voluntarism and autonomy. Nonetheless, written employment contracts were not known under this regime and providing labour was not strictly for tangible benefits but loyalty, hence it is quite problematic to reconcile the era to labour voluntarism and autonomy. The pre-colonial society is worthy to be regarded in the study of labour voluntarism and autonomy due to the fact that African tradition and culture is a product of history and influences employment relations.

2.5.2. Labour and Gender under the Colonial Regime

In the colonial era women's labour voluntarism and autonomy was compromised by a myriad of factors which included colonial repressive legislation which were enacted along racial lines and gender discrimination. According to Madhuku (2001) the colonial era was characterized by the oppression of women and blacks in labour relations. Legislation has proved to be equally capable of accruing effect to labour voluntarism and autonomy and equally defeat it. According to Madhuku (2001) The Master and Servants Act of 1901 did not reflect any non-discrimination provision. This prompted to grey parts or areas in legislation whereby there was no certainty with regards to the fate of women in employment relations. Law was continuously used by the colonial regime to propagate inequalities. According to Mazingi and Kamidza (2004) under the Industrial Conciliation Act of 1934, employment was based on racial lines as white collar jobs were an exclusive preserve for the white minority and the blacks were meant for unskilled jobs. Black women were implicated in racial discrimination in employment relations on one hand and gender discrimination on the other as a result.

Women lacked control of their labour procedurally through unequal labour processes which included man-dominated collective bargaining which excluded the interests of women and substantively through unfairness in remuneration as posited by Stoneman and Cliff (1980). Karumbidza (2008) posited that women earned paltry incomes under the colonial regime which amounted to a half of a man's salary. This shows that women did not enjoy labour voluntarism and autonomy compared to their male counterparts and it was worse for black women who were already prejudiced due to their race as indicated earlier in this discourse. Stoneman and Cliff (1980) posited that 2/3 of the Gross National Income (GNI) was concentrated in a white minority which was only a 3% of the entire population. This reflects the predicament of women under the colonial regime.

Statutes are also used to give piecemeal maternity leave to women and this is in disregard of the contribution which women make to the capitalist society with regards to providing it with new labour through child bearing as indicated by Bruegal (1979). According to Yates (1980) maternity leave was unknown to a small number of black women who were in the formal sector. It is evident that the laws which govern employment relations have always been designed to curtail labour voluntarism and autonomy of women. In this regard, the current Labour Act Chapter 28:01 which is in force in Zimbabwe provides that a woman is entitled to three periods of maternity leave under one employer and for one to be entitled to such she should have served for a minimum period of a year. Section 18 of the Labour Act is capitalistic to some extent as it seeks to get unreserved labour from women. Nevertheless, the 2002 amendment to the Labour Act went a long way in conferring effect to Labour voluntarism and autonomy on women due to the fact that women are now entitled to maternity leave on full pay according to section 18 (1) of the act unlike the prior scenario which entailed the entitlement of not less than 75 percent of full salary to women on maternity leave which gave the employer power over women in employment.

2.6. Factors Affecting Working Women in the Three and Half Decades of Independence

Women in Zimbabwe are still fighting for freewill, regardless of the fact that labour voluntarism and autonomy has been agitated for in the three and a half decades of independence. According to The Standard (2016) women are still scantily recognized in employment relations and the struggle for parity still remains a lost struggle. According to Madhuku (2001) Despite their numerical dominance in society, women still occupy the informal sector which includes domestic employment and vending. Nevertheless, favourable conditions which promote women's labour voluntarism and autonomy have been introduced by the Zanu PF regime since independence.

Mazingi and Kamidza (2004) view the labour Relations Act of 1985 as the threshold for labour voluntarism, autonomy and equality as minimum wages applied to everyone regardless of gender. This was in line with the ILO Convention No. 100 (Equal Remuneration) 1949 and Non-Discrimination at the Workplace as provided in Convention Number 111 of the ILO Employment Occupation 1949 which were ratified by the government of Zimbabwe. The Labour Relations

Act also introduced paid maternity leave for black women in employment. In this regard, the Labour Relations Act of 1985 can be regarded as the threshold for the conferring of effect to labour voluntarism and autonomy to black women and men.

The adoption of ESAP by the government of Zimbabwe eroded the gains which had been accrued to women through legislation. According to Mazingi and Kamidza (2004) ESAP obliged the government to repeal the Labour Relations Act of 1989 and terms of employment were to be fixed by CBAs. It is evident that the fate of women was left to be determined by the employers. Maternity leave, wages and other terms of employment were also to be determined by Collective Bargaining which was loosely founded on the whims of the employer. According to Gwisai (2006) Collective Bargaining lacked voluntarism during the period of ESAP due to the fact that the employers dominated employment relations.

In the 2000s, women in employment have also been facing challenges emanating from discrimination based on HIV and AIDS among other things. UNAIDS (2014) reported that women in Zimbabwe mostly bear the brunt of HIV/ AIDS owing to the patriarchal nature of the country's society as 720,000 women are infected by the pandemic and cases of discrimination are rampant at the work place.

Women have faced double jeopardy in the period from 2000 to 2015 and beyond. Unfair labour practices in employment relations on one hand and the invasive long standing patriarchy on the other have been affecting working women. According to LEDRIZ (2014) The Zimbabwean economy is dissected into two categories which include the formal sector which is controlled by men and politically connected and the informal economy which is flooded with women. This shows that women do not dominate the formal sector and their autonomy and voluntarism as workers is compromised. This trend was acute from 1980 to 1990 as patriarchy held sway. The 2000s is characterized by the overlooking and marginalization of the informal sector by law as well. According to Van Klaveren et al (2010) minimum wages were determined by sectors in 2009 and only 28 sectors were given a minimum wage prescription and the domestic employment sector was the least paid at USD30. Galin (2001) posited that domestic employment is dominated by women who usually work as house maids and labour voluntarism and autonomy is either not known to them or overlooked by law makers. This shows that women are not being fully given recognition in employment relations.

The government and all stakeholders should make efforts to promote the honest legitimization of the informal sector to placate women who dominate this sector. According to Chinguno (2011) the ZCTU is making colossal strides in its efforts to realise informal-formal integration and the ZCIEA is the initial litmus test. Zimbabwe need to emulate other countries who are working invariably to realise the recognition of the informal sector due to the fact that it has become the dominant sector owing to widespread unemployment. According to Heidenreich (2007) Zambia is working to formally realize the recognition of people in the informal sector. In this regard, the

government of Zimbabwe should put the formalisation of the informal sector on the national agenda.

Women have also been fighting neo-liberal globalisation signifying their presence in labour internationalism which has been discussed in preceding sections. According to Sutcliffe (2012) organizations such as WIEGO are a crucial part of the resistance against neo-liberal globalization. Organizations like WIEGO should be promoted by the provision of space and funding.

The post independent Zimbabwe viewed men as fit and suitable for employment and male children were a priority in families when it comes to getting tertiary education. This would mean that women were doomed to be home keepers in the long run. The case of women was even worse in the colonial era as they faced racial discrimination on one hand and patriarchy which discouraged them to engage in employment relations as noted by Mahapa and Bhebhe (2014), hence their right to an occupation which is now provided by Section 64 of the Constitution was anathema.

Classical traditions such as bride price have been retained in the Zimbabwe society. The bride price has attracted heated debates. It is apparent that this institution has commodified women and it has demoralized women on one hand and gave man the justification of exploiting them on the other hand. According to Madhuku (2001) It is problematic for women to assume a significant value and a conspicuous stand point in society so far as to claim a fair share of employment relations outcomes when they are also treated as commodities just like the means of production in employment relations. The Zimbabwean employment relations adopted labour voluntarism and autonomy which includes the right to strike and the right to collective bargaining in a radical manner from the hardly won Western labour achievements for example, the circumstances surrounding the Wagner Act of the United States and its long background. Hence, employment relations somewhat overlooks issues of gender equality in labour and over emphasizes power capturing and influence.

Moreover, scholars of Zimbabwe's employment relations have not fully captured the concept of the family and how it resonates with employment relations. On the contrary, they are preoccupied with the maximization of bread and butter and overlook the foundation of employment relations which is the family. According to Dickens (1989) Employment relations scholars seem to be either gender blind or like practitioners in industrial relations hold the perspective that if it is particularly about women, it matters not. Van Klaveren (2010) sites the UNDP Report of 2007 to 2008 which states that for the year 2005, roughly the average salary earned by a worker was US Dollar 2, 585 for men and US Dollar 1, 499 for women. Despite the fact that women are the majority in employment relations in the formal and informal sector, for them disposable salaries lingered subdued. This is alienation of women which disempower them from the control of their labour.

The GPA which ushered in the inclusive government of the ZANU PF and MDC parties was also prematurely welcomed by women as a chance of hope during difficult times. According to AllAfrica(2010) The GNU holds a commitment to gender equality, it states to buttress women's participation in all efforts to create a participatory democracy but for the time being they are mere words. Widespread unemployment has led women to engage in informal trades like vending. According to AllAfrica (2010) The period from 2012 to 2015 has seen men joining the informal sector due to acute unemployment. The urge to dominate which preoccupies men drove them to budge into the vending trade which was not a vacuum and established associations. According to Zim eye (2015) vendors unions like NAVUZ have been politicized as shown by the events in 2015, a case in point is when the government proposed to remove vendors from the Harare CBD and politicians hijacked these associations to settle their long pending scores with others pushing for their relocation and others going against it.

Conclusively, the struggle for labour voluntarism and autonomy for women starts from the institution of the family and overlaps to the workplace. The Labour Act gives women the right to a 3months maternity leave. However, the conditions which are further elaborated negatively militate on their labour autonomy. Section 18 of the Labour Act provides that a woman is eligible to maternity leave for only three months in her employment under an organization. This provision is capitalistic as it seeks to obtain uninterrupted service from women and overlooks their crucial roles in society like providing a standby force for labour through child bearing as noticed by Marx (1988). Labour voluntarism and autonomy should be fully extended to women through progressive legislation to enable them to command fulfilling lives.

2.7.Major Factors Affecting Labour Voluntarism and Autonomy in the Public Sector

The government of Zimbabwe has been condemned for using double standards in employment relations. Workers in the Private Sector are given the right to join trade unions of their choice and to collective bargaining by the Labour Act as indicated in the previous sections. Nevertheless, civil servants are not fully given like rights. According to Mereki (2012) the Public Service Act governs employees in the public sector and it only provides for a vague right to consult. This shows that the government as an employer has the onus of determining terms and conditions of work in the civil service. Public servants comprise of workers in government ministries, teachers in government schools, nurses and doctors in government hospitals among others.

The Labour Act gives the minister the power to approve and disapprove CBAs which he or she deems 'unreasonable'. ZIMLI (2002) sights the background of the Supreme Court case of 2000 between the PTCand Zimbabwe Posts and Telecommunication Workers Union (ZPTWU) which saw a Collective Bargaining Agreement being reduced by 50 percent by the Minister despite the fact that it had been approved by the NECof that respective industry.

The right to strike is severely curtailed in the public sector as compared to the private sector. According to Mereki (2012) TelOne, NetOne and Zimbabwe Posts workers were dismissed and

replaced by uniformed forces after organizing a strike in late 2004 in a bid to compel the employer to give effect to an arbitration award which was due to them as at the year 2003. The right has been rendered nugatory by the government of Zimbabwe. According to the ITUC Annual Survey of Violations of Workers Organizations' Rights in Common Wealth Countries and Zimbabwe (2009) The right to strike is facing extinction in Zimbabwe since no notable strike has been recorded since 2006. The period from 2000 to 2016 reflects labour voluntarism and autonomy as much of an illusion than the reality owing to the subjugation of the civil service employees by the government.

In the public sector, workers are usually represented by associations which have been widely regarded as ineffectual owing to the invariable attacks on these associations by the government. The ITUC Annual Survey of Violations of Workers Organizations' Rights in Common Wealth Countries and Zimbabwe (2009) posited that attempts by the PTUZ and ZIMTA at consultation have been futile and members of the PTUZ were unlawfully held hostage and violently assaulted by ZANU-PF party members whilst giving expression to their thoughts pertaining to grievances faced by workers in the education sector. This shows that workers in the public sector are not fully enjoying labour voluntarism and autonomy. According to Mereki (2012) The Poverty Datum Line (PDL) wage at \$520 remains elusive as the least paid public employee is getting a paltry \$180 salary. The PDL is elusive in the public sector and this militates upon labour voluntarism and autonomy given that there are no clear channels to object.

The Labour Act is an affront to labour voluntarism and autonomy to some extent as it contradicts its own provision in the matter of section 104 which gives the entitlement to strike to workers. Workers in the private sector have to meet a daunting procedure to satisfy strike action which is enshrined in the Labour Act and this include a fifty-percent vote margin of the entire labour force, a long and unreasonable period of 30 days duped 'conciliation period' and mandatory attempts at arbitration attaching a further fourteen-day period of notice. Machingambi (2007) posited that procedural law in labour relations defeats the right of the worker to withdraw labour. According to the ITUC Annual Survey of Violations of Workers Organizations' Rights in Common Wealth Countries and Zimbabwe (2009) The Labour Relations Act of Zimbabwe is silent on the recourse to take if striking workers find their employer hiring other workers to provide labour in the stead of striking workers. Freedom House (2015) also posited that the Criminal Law Codification and Reform Act of 2006 is sometimes used to incarcerate trade unionists to which the ZCTU is the prime object for repression. The private sector employees enjoy considerable labour voluntarism and autonomy compared to their public sector counterparts.

2.8. Conclusion

This chapter sought to assess the development of employment relations in Zimbabwe with regards to labour voluntarism and autonomy as provided in the existing literature. The literature showed that the right to strike is severely suppressed, voluntary collective bargaining is being

replaced by arbitration due to impasses in disputes and workers' organizations are losing membership as a result of rampant unemployment which has prompted to the burgeoning of the informal sector which is dominated numerically by women who have in turn been made powerless. Nevertheless, traits of workers' voluntarism and autonomy are noticeable in the Labour Act and the long existence of the ZCTU shows that voluntarism and autonomy in labour has favourable prospects to some extent. Ultimately Chapter 2 lays the foundation for Chapter 3 and 4 which will assess if labour voluntarism and autonomy is the real or merely the imagined by the aid of the analysis of empirical evidence. Data gathered through investigation and research will be used to reach a position.

CHAPTER 3

RESEARCH METHODOLOGY

3.0. Introduction

The dissertation sought to make an examination of the extent to which labour voluntarism and autonomy is realised in Zimbabwe's employment relations. In this regard, it seeks to take stock of whether labour voluntarism and autonomy is the real or the imagined by analysing the extent to which the government is giving effect to labour autonomy and voluntarism through the creation of an enabling environment and not unfairly exerting force behind capital. It further examines how trade unions have been able to contribute to the democratisation of Zimbabwe. The institution of the family will also be regarded due to its primary influence to employment relations. This dissertation will make use of both primary and secondary data in a bid to attain sufficient requisite information. The chapter seeks to give an in depth explanation of the various steps which were utilized in the course of the investigation. The researcher will pay due regard to crucial aspects which include a conceptual crafting of prerequisite steps for gathering relevant data or to put it plainly a research plan or design, relevant methods of generating a sample, methods of gathering data which were utilised, as well as the target group which was made use of by the researcher. The prime trait of the researcher was to have a sound knowledge of the development of the labour movement from its furthest possible origins to 2015 with regards to labour voluntarism and autonomy in Zimbabwe.

3.1. Research Design

Research design is a plan that gives a description of the manner in which data is to be gathered, the period for exploring the field and the target population in which data is to be collected and concertedly analysed. Parahoo (1997:142). It is an outline that gives a description of the kind of information to be amassed, gives the sources to be used and the procedures to be followed. According to Yin (1989) research design is concerned about cogent issues and seeks to create a plan of action for solving the problem. Research design seeks to justify and exhibit the reliability and impeccability of the sources.

The researcher strategically adopted the descriptive design and the explanatory research design in which numerous instruments were made use of to congregate useful data. This investigation used the research instruments which include questionnaires, in-depth interviews and personal observations. According to Rog (1998) descriptive research seeks to supply answers to questions like *what istaking place* and what was and in turn portrays a vivid reflection of events and the people who are taking part in the events. Explanatory research helped the researcher to explain variables which affect labour voluntarism and autonomy. According to Dawson (2002) Explanatory research seeks to clarify the nature of a connection between two or more elements of a phenomenon exists. Descriptive research offered a clear and vivid image of the problem whilst explanatory research explains phenomenon in recording the findings from the

investigation. The researcher was able to compress large volumes of data into an all-inclusive summary with the utility of descriptive research.

3.2. RESEARCH SUBJECTS

3.2.1. Research population

According to Explorable.com (2015) a research population is an extensive collection of individuals which is the central element of a scientific inquiry. The population of this research is made up of three randomly selected ministries, two purposively selected trade unions which include the ZCTU and the ZFTU, two conveniently chosen local authorities which include the Marondera Municipality and Zvishavane Town Council, two conveniently selected private companies in the case of Nelma Guest Lodge and MIMOSA Mining Company which are both located in Zvishavane, one purposively selected private company owing to its outstanding events which were recorded in 2015 in the Zuva Petroleum case, traders in the informal sector in Copaccabana area in Harare and one hospital in the matter of Zvishavane Hospital which was conveniently selected as well. The population which make up the samples reflects the public and private sector and the trade unions which make up the Zimbabwe's labour movement. This population permits the researcher to unravel the factors which have been militating against labour voluntarism and autonomy from 2000 to 2015.

3.2.2. Sampling

A sample is plainly a subset of a population and this concept arises from the researcher's lack of ability to test virtually all the persons in a population (Explorable.com 2016). In this regard, sampling entails selecting a fraction from the wholegroup with the objective of doing the investigation. Schiffman (1996) posited that a sample is a small fraction which is inferred from the population as a whole which is cautiously sampled to achieve representativeness. Freedman (1998) also postulated that the inference from the whole to the part should give a fair representation of the universe in its entirety or the whole population.

Due to time constraints and limited resources the researcher made use of sampling as it is less expensive than an interrogation of the whole population. Conclusions could then be inferred against the population as a whole. The population of interest was detected subsequently and the sampling frame was established, the researcher then determined procedures which were to be used for sampling. There are various ways by which sampling units can be chosen, the methods are divided into two usual types. The preliminary and primary step one has to take is to decide whether to make use of either a random method or a non-probability way for sampling. A probability sampling procedure entails that each element in a sampling frame has a likelihood or chance of being chosen to be included in the sample. Non-probability sampling procedures on the other hand, are those that conveniently, purposefully or by coincidence select the specific elements of the sample in a non-probability manner. Government ministries were selected by the researcher in a random manner by employing the systematic random method. Moreover, Marondera Municipality's employees who took part in the questionnaire investigation were

sampled by the simple random sampling method or the *hat system*. In this regard, the researcher prepared and integrated pieces of paper with each paper inscribed either an odd or prime number. Employees who picked prime numbers were included in the sample. This was quite possible due to the fact that ample time was available to the researcher in June 2015 as he was on his internship with the organization in question. This method could not be applied to other companies due to time constraints. Hence, non-probability sampling had to be resorted to.

3.2.3. Sampling Technique

This implies the procedure taken when selecting participants to take part in the research project. Both probability and non-probability techniques were used as criteria for research. The probability sampling technique presupposes that every member of a population has an equal likelihood of falling in the prism of the sample (Haque 2006). Probability sampling usually involves manipulation of numbers to choose a sample. Systematic random sampling technique was used out of the twenty seven ministries in the Zimbabwean government, the researcher made use of a systematic approach to select every 9th number and he chose every ninth ministry with respect to the prepared list. The non-probability sampling technique was used in the private sector companies, local authorities, trade unions which were targets for interviews and a hospital as highlighted above.

3.2.4. Sample Size

This involves the numerical amount of the inferred subset of an entire population which would have been inferred (Van Dalen 1979). The sample was quite representative in balancing gender. In this regard, women constituted a 62% of the sample in relation to the 38% of men. This was proportional, given that women dominate employment relations numerically which is a reflection of society. Out of a sample of 85, 53 were women and 32 were men. The number included both public sector and private sector employees in all the 9 companies and two trade unions which were selected. Public Sector companies, in the matter of government ministries are uniform in their practices owing to a code of general application and laws in the case of the Public Service Act. In this regard, discretion is limited in employment relations unlike in the private sector where the law is not too strict. Interviews also contributed to the sample size. Labour officers in the Ministry of Labour which include Mr P. Ndlovhu and Mr Tasiyana from Zvishavane Government Complex and Mr Muchinako, the Provincial Labour Administrator with Mashonaland East Province were interview respondents. The Organizing Secretary of Marondera Municipality Workers Union, Mr Muyumbo and its chairman, Mr Munyanduki were also interview respondents. According to Popham and Sirotnik (1973) the size of the sample and its representativeness gives it legitimacy. Representativeness ensures accuracy.

3.3. Data collection sources

Sources of collecting data imply steps which were duly adopted by the researcher to gather data. This research utilised both primary and secondary data sources.

3.3.1. Primary data

Kowalczyk (2013) defines primary data as first hand, picturesque accounts which is original research in its entirety. Primary source of data was utilised due to the fact that it has great resonance with the precision of data. The researcher amassed data which he considered compatible, authentic and reliable as it was apparently current. It also reflected a two dimensional subject matter and this gave the dissertation a balance. The researcher employed in-depth interviews and questionnaires to obtain first-hand information from the people who mattered and who were directly involved in the events and those who are experts in their areas. The questions were in tandem with the thrust of the investigation and this kept the researcher and the researched on course. Resultantly, all the required information was gathered prior to the analysis and putting into writing of the findings.

3.3.2. Secondary data

Kowalczyk (2013), referred secondary data to as an upshot of an analysis and in depth interpretation of primary research. Secondary sources encompassed a review of literature found in relevant books and internet sources. Data under this category proved to be credible, impeccable and of persuasive value to the employment relations discipline. This type of data was selected for convenience with regards to the time factor and much effort was invested in evaluating and interpreting data that had been amassed already and as a result time constraints were overcome. The researcher wanted to make use of various sources of data urgently and secondary data was used to achieve this.

3.4. Research Instruments

These allude to the means which can be employed for amassing data required to address the problem which the researcher would have identified. The researcher hinted that he primarily employed a variety of research instruments and these comprised of interviews, the questionnaire instrument, individual examination and experiences and an analysis of documents. The answers provided by the respondents were quantitatively put into writing for easier understanding. Various techniques were employed to achieve accuracy.

3.4.1. Interviews

Boyce and Neale (2006) defined interviews to as qualitative techniques in research which involve conducting a thorough individual interrogation with a considerable but small number of respondents to examine their view points on a particular subject. Labour officers in the ministry of Labour which include Mr P. Ndlovhu and Mr Tasiyana based in Zvishavane and Mr Muchinako, the Mashonaland East Provincial Labour Administrator were interviewed so as to collect information. Mr Munyanduki (Chairperson) and Mr Muyumbo (Organizing Secretary) of the Marondera Municipality Workers Union were also interviewed owing to highly charged politics which has dominated the local authority. Hence, 5 elements of the 85 sized sample were interview respondents. The researcher made use of interviews to gather the desired data due to the fact that they came with detail. Some traits which could not be noticed in questionnaire

respondents such as enthusiasm and indifference were noticeable in interview respondents. Hence, interviews confer credence to responses.

3.4.2. Questionnaires

These allude to papers with a series of questions inscribed methodically. The respondents normally choose between specified answers which usually fall under a yes or no. According to Kumar (2005) A questionnaire is a question list to which the answers are provided and recorded by the respondents. The questionnaire was designed in such a way as to collect a considerable amount of the primary data in clear cut responses. The questionnaire was prepared by using various techniques which took the mould of close ended and open ended questions. Incomplete sentences were also prepared by the researcher for the respondents to complete. This was instrumental in capturing view points, conduct and respondents' peculiar traits. In this regard, close-ended questions which usually characterised the questionnaire were convenient and time saving. The researcher also used open-ended questions as a technique and these ensured in-depth fact-based responses.

Questionnaires were served to 80 out of 85 respondents. Nevertheless, the respondents were not forthcoming in exhibiting whether they understood the questions or not. In a bid to combat this, the researcher made use of interviews to avoid distortion of very important information harboured by trade unionists and labour officers. Furthermore, the researcher could not find a standard or yardstick for the validation of data taking into account the fact that respondents could discuss the questionnaire in teams and inevitably the researcher suspected that the responses were shaped by the discussion of the questionnaire amongst respondents. The researcher saw this as inevitable and instead took interviews as a measure of last resort to achieve a measure professional interrogation. It is also worth-noting that some questionnaires were never returned, For example the questionnaires which were served to the Ministry of Agriculture at Zvishavane Government Complex and the Ministry of Women Affairs, Gender and Community Development at Gweru Government Complex were never returned. Hence, the sample has shortfalls with regards to representativeness in this regard.

3.4.2.1. Close-ended questions

This is a question which allows limited words and particular responses. This was advantageous to the researcher since quantification of data was easily and effectively conducted. The answers attained were also standard and could be contrasted and compared between and among respondents. They also made coding and analysis quite easier to the researcher. Furthermore, they made it easier for the respondent to provide answers because he or she had to choose a category to put his or her tick against.

3.4.2.2. Open-ended questions

Open-ended questions gave the respondent a measure of discretion since he or she was able to express his or her opinion in his or her own words. The researcher made use of these types of questions due to the fact that they facilitated the provision of sufficient answers and conferred

upon the respondents a measure of discretion in giving their answers. An example of such questions is question number 5 on the questionnaire which states that: *have you ever participated in strike action and what necessitated the withdrawal of labour...?*. This question is versatile and applied to different workers with different experiences. Furthermore, they allowed the respondents spontaneity and self-expression.

3.4.2.3. The merits of a questionnaire

- i. ***Less costly in serving respondents:*** Questionnaires are advantageous to the researcher if the sample is widely and haphazardly distributed in an area. In this regard, a questionnaire will be cheaper as compared to the costs which comes interviews.
- ii. ***Easier to administer:*** They can be delivered by post or in person. These can also be distributed in large quantity in a short space of time. A lot of questionnaires can be delivered by post in a single lot, on the other hand interviews take a lengthy time to conduct given that a sample is considerably big in its bid to achieve representativeness. Moreover, interviews are still expensive if conducted over the phone and non-verbal expression will be difficult to capture. In this regard, the researcher used his email account to send questionnaires to the ZCTU and ZFTU in Harare. This cut costs which would have been incurred by travelling and also saved time.
- iii. ***Offsets interviewer variability:*** Questionnaires require the respondents to answer questions on their own and do not suffer from the problem of interviewer asking questions inconsistently and in varying ways.
- iv. ***Convenient to respondents:*** Questionnaires grants unreserved discretion to the respondents in the sense that they can complete a questionnaire at their own time and their own speed without being compelled by the researcher's urgency.
- v. ***Objectiveness of the respondent:*** The absence of an interviewer during a questionnaire completion conveniently eliminates effects which are inherent to interviews. Hence, the respondent will be at liberty to answer a given set of question independent of bias which can be influenced by an interviewer.

3.4.3. Documentary analysis

In a bid to achieve credibility through triangulation, the researcher made use of documentary analysis to supplement the interviews. The documentation which was used includes minutes recorded in trade union meetings and organizational organograms of various companies. The researcher will attempt to unravel efforts towards labour internationalism in individual employees and trade unions at large. Documentary analysis is instrumental in confirming the accuracy of findings obtained from interviews and questionnaires.

Justification

- i. It permits the establishment of facts which are existential with regards to the problem under investigation.
- ii. Offsets stringent ethical observations due to the fact that there will be no any physical interaction with people.
- iii. There are no time schedules to be made since documents harbour prepared, recorded and classified data.
- iv. Data is gathered rapidly by the aid of documentary analysis.
- v. Documentary analysis is independent of the effects of respondents' attitude and behaviour, for example arrogance in some targeted people in the matter of the Ministry of Agriculture which was sampled by the researcher.

3.5. Data collection procedures

Procedures for collecting data entail steps employed to organize instruments and amassing of data from targeted respondents.

3.5.1 The application of questionnaires to the research

Questionnaires basically targeted workers in the selected private and public sector companies. The researcher had to explain the motive behind the research, its nature and assure the respondents that the data was strictly for academic research intentions. The researcher also made it a point that the respondents accepted wilfully to take part in the study. A lot of convincing was needed, nevertheless, some ministries and private companies refuted to attach their organizational stamps to questionnaires expressing unclear reservations.

3.5.2 Interviews

The respondents were normally suspicious to the research due to its political connotations and had to review the questions thoroughly before accepting the interview. They did this regardless of the fact that an interview guide was sent before the interview. The interviews were done in parts due to the circumstances. The initial interviews were conducted during the researcher's work related learning. It was easier to schedule an interview with the plant trade unionists under Marondera Municipality and the Mashonaland East Provincial Labour Administrator due to the availability of time and exposure. The interviews with the labour officers at the Zvishavane Government complex were conducted on 14 April 2016. The researcher would conduct the interviews working within time limits which were set by the respondents and the interview question guidelines were used. In this regard the time limit fell between 25 and 30 minutes. The researcher commanded the interview discourse and concurrently wrote down seminal points.

3.6. Data validation and reliability

Data impeccability entails that when data is translated and sort out into information, it should be independent of material error and should bear the traits of impartiality and can be unreservedly relied upon by users. Research instruments are regarded as valid if they assess the skills and knowledge. Norton (1930) stated that, vaguely structured questions, incoherent and unnecessarily complex items turn off some people. To be assured of validity, the researcher had to make use of compatible instruments, pilot testing and triangulation. Validity was also obtained through using plain and unambiguous words in drafting questionnaire and interview questions, ultimately they were easily understood.

3.7. Chapter Summary

This section assumed a non-probability research design through which the steps taken to amass data were justified. The information gathering instruments which were employed included in-depth interviews, questionnaires and documents with persuasive value to the research. These were instrumental in amassing data which was either quantitative or qualitative in outlook. These were essentially executed after the scheduling of an appointment with the respective respondents. Techniques for data gathering have been explained in detail to show their merits, as well as demerits and ultimately justify the reasons why they were chosen. Conclusively, the following section (chapter four) seeks to present data and to analyse it. It involves a discussion and interpretation of findings gathered in the research with regards to the extent to which labour voluntarism and autonomy is given effect in Zimbabwe's employment relations.

CHAPTER 4

DATA PRESENTATIONS, ANALYSIS AND INTERPRETATION

4.0.Introduction

This chapter seeks to exhibit the findings gathered from the survey and to analyze and interpret them. The research is set out to unravel factors that are affecting labour voluntarism and autonomy and recommend possible strategies and remedies to dissipate the impediments and enhance labour voluntarism and autonomy. The labour movement in Zimbabwe has been struggling for autonomy since the colonial period and the struggle still remains. Hence, holistic measures should be identified.

The data which is at the core of this research was gathered from two major trade unions which include the ZCTU and the ZFTU which were served with questionnaires which were sent through email. The ZCTU can be regarded as the pulse of the labour movement in Zimbabwe due to its endurance and foundation established from six labour unions which existed before independence as shown in Chapter 2. Questionnaires were sent to the ZCTU and ZFTU in Harare through email for manageable convenience. Three government ministries which include the Ministry of Labour and Social Welfare, the Ministry of Women Affairs, Gender and Community Development and the Ministry of Agriculture were sampled to regard labour voluntarism and autonomy in the Public Sector. Zvishavane Hospital which was treated by the researcher as a public sector entity and Municipality of Marondera Clinic which is somewhat distant from Central Government control were chosen to represent essential employees. Two local authorities which include Municipality of Marondera and Zvishavane Town Council were chosen to represent employment relations in the local authorities and to take stock of how the development of labour in Zimbabwe has affected local authorities, a segment of labour in Zimbabwe. Municipality of Marondera was chosen purposively due to its history of political meddle by government agents and political parties. On the other hand, Zvishavane Town Council was selected for convenience. A measure of environmental triangulation was achieved in this juncture to some extent due to the fact that two provinces which are the Midlands Province and the Mashonaland East Province and the capital city, Harare were investigated. The Private Sector was also investigated for labour autonomy and voluntarism and to regard the relationship of the internal unions to the major unions. Three private companies located in Zvishavane which include MIMOSA, Zuva Petroleum Company and Nelma Guest Lodge were explored in order to regard labour voluntarism and autonomy in the Private Sector. Informal traders based at the Copaccabana area in Harare were also investigated through questionnaires.

Data collection entailed soliciting information from ZCTU and ZFTU and their affiliate unions' publications, ZCTU paper on the recent July 17th Supreme Court ruling of 2015 and the report on Trade Unions Workshop on Decent Work for Migrant Domestic Workers in Zimbabwe. Trade unions were pivotal to the research as they have been experiencing direct clashes with politics and government interference.

Data from women's benches in trade unions and workers committees of organizations was collected to determine whether women are included in the promotion and fight for labour voluntarism and autonomy. Women were taken into account due to the paramount concern of them playing second fiddle and being overlooked by the dominant actors in Zimbabwe's employment relations which are their male counterparts. The questionnaires served to workers in different sectors addressed the possible variables inherent to the institution of the family and which have a bearing on labour voluntarism and autonomy.

In this chapter, data from questionnaires and interviews will be regarded as primary sources whilst on the other hand data from ZCTU, ZURCWU and ZFTU publications, media sources, books and published relevant documents will be treated as secondary sources. The use of these two sources of information was important in validating the research findings.

4.1. Respondents

Questionnaire respondents from the Public Sector include **3** employees from the Ministry of Labour and Social Welfare in Zvishavane District, **3** employees from the Ministry of Labour based in Gweru but were never returned, **4** employees from the Ministry of Women Affairs, Gender and Community Development and **6** questionnaires served to the Ministry of Agriculture in Zvishavane District were never returned. **20** questionnaires were also served to employees of each private company of the three indicated above to make them **60** for the private sector. Questionnaires were also served to employees in the two local authorities and these were **4** employees from Municipality of Marondera and **4** employees from Zvishavane Town Council. Each major trade union was also served with a single questionnaire via email in the case of the ZCTU and the ZFTU to make them **2**. The informal sector is an integral part of the dissertation, hence **3** questionnaires were issued to 3 informal traders based in Copaccabana area in Harare but these were not included in the initial sample size of **80.3** nurses from the Government, in the matter of Zvishavane Hospital also completed questionnaires which was instrumental in regarding the plight of essential employees.

The sample size in the private sector is big as compared to the public sector due to the fact that the researcher manipulated the number of people to take part in the investigation from each sector. The public sector has codes which normally apply generally and the Public Service Act limits discretion with regards to employment relations, hence responses are normally similar in this sector. On the other hand, the private sector has diverse values and the Labour Act gives the employees in the sector a measure of discretion and voluntarism, hence the sample had to be wider than that of the Public Sector. Hence, the sample is representative to a larger extent. Nevertheless, the research only explored three provinces in Zimbabwe and this compromises representativeness. Moreover, the overall sample was reduced to **85** from **94** due to the fact that **3** questionnaires sent to the Ministry of Labour and Social Welfare in Gweru and **6** questionnaires sent to the Ministry of Agriculture were not returned.

Interview respondents from the trade unions were purposively selected in the survey which was designed to identify key informants who are well versed with labour relations. Snow ball sampling was employed to obtain information in ZCTU and ZFTU affiliate unions and independent unions in local authorities. In the unions under Municipality of Marondera, snow ball sampling was employed to interview Mr Muyumbo, the Organizing Secretary of Municipality of Marondera Workers Union who further referred the researcher to Mr Munyanduki, the union’s Chairman. Labour Officers were also interviewed. In this regard, Mr P. Ndlovhu and Mr Tasiyana who are Labour Officers in Zvishavane District and Mr Muchinako who is the Provincial Labour Administrator in Mashonaland East Province were interviewed to ascertain how deadlocks in labour disputes referred to labour officers and arbitration are militating against voluntarism.

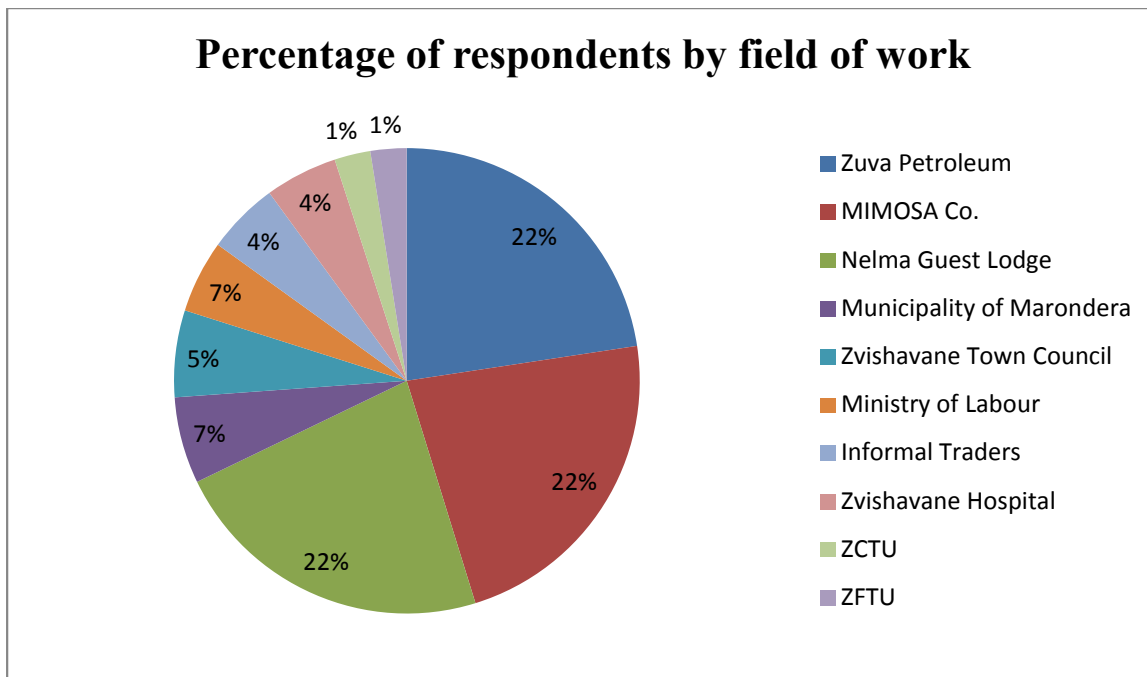


Figure 1: illustrates the percentage of respondents by field of work

Source: Primary

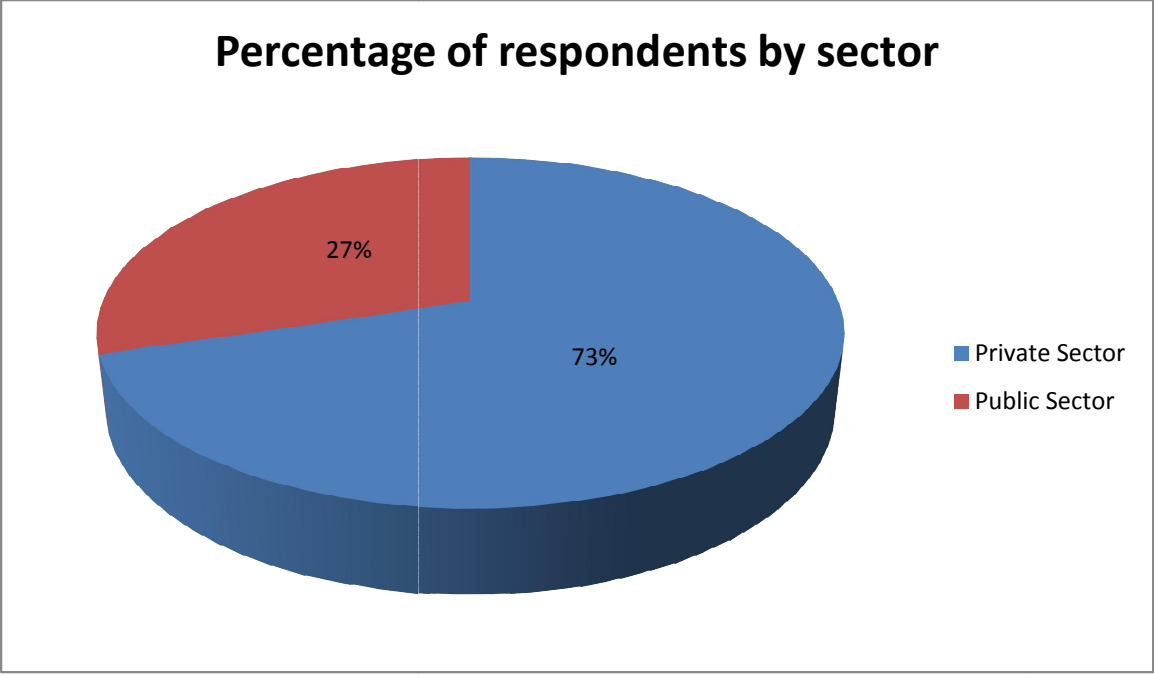


Figure 2 illustrates the percentage of respondents by sector

Source: Primary

4.2. QUESTIONNAIRE ANALYSIS

4.2.1. Respondents’ Personal Information

4.2.2. GENDER

The researcher saw it fit to pay due regard to gender which is a status variable to determine the extent to which each sex enjoy labour voluntarism and autonomy. From the 85 respondents including both questionnaire and interview targets which were sampled from different companies in different sectors, 53 were women and 32 were men. Basing on the sample make up, women dominate employment relations numerically. Men were reluctant to answer questionnaires, whilst some had to question the researcher at length some even denied answering all together. Women were keen to answer questionnaires without being arrogant compared to their male counterparts and the researcher regarded this as a constructive stance as many of them exhibited critical points.

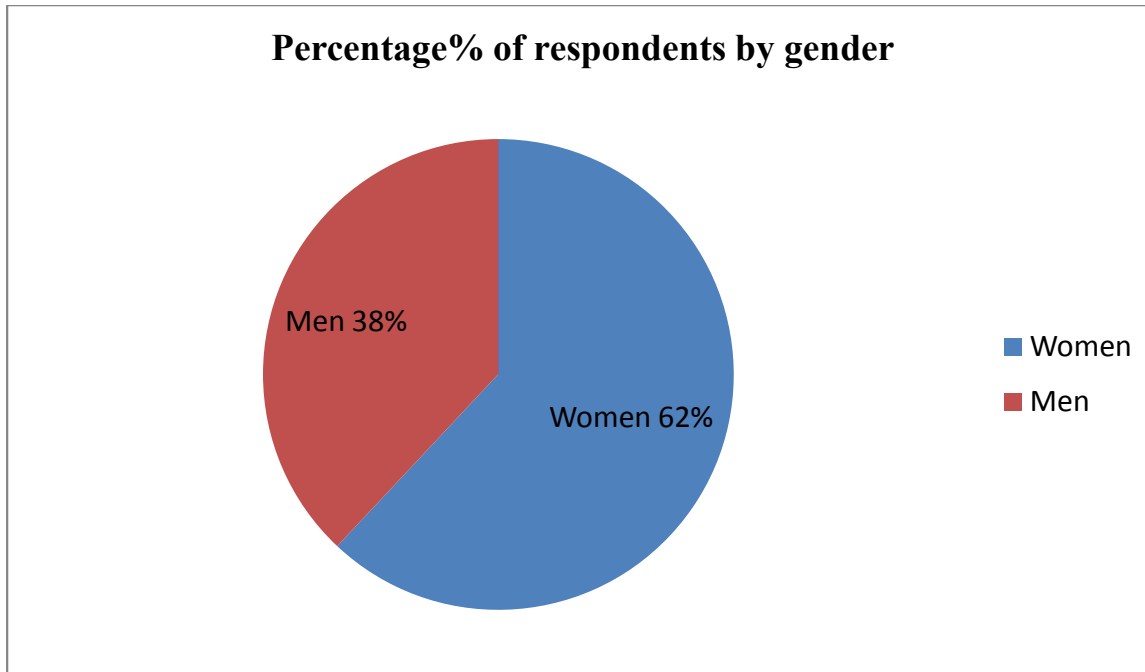


Fig. 3 illustrates percentage of respondents by gender

Source: Primary

4.3.Variables Affecting Labour Voluntarism and Autonomy amongst Women

A variety of factors which are affecting women’s labour autonomy and voluntarism were gathered from the questionnaires and these were regarded by the researcher as somewhat representative of women in employment relations as virtually all sectors in the corporate Zimbabwe were sampled to an extent due to the fact that the private and public sectors were investigated. The factors were dissected into two which include politics of the family and relations at the work place. Family politics were regarded as the foundation of employment relations by the researcher and strongly resonates with the later. These variables are discussed and buttressed by the findings below.

1. Family Politics

Politics of the family affects labour practices amongst women with regards to their free will in employment relations. The questionnaires revealed that out of 53 women, 31 encounter conflicts about their work at home and 14 faced conflicts which are rooted at the work place. The remaining 8 questionnaire respondents did not posit any significant conflicts which are family related mostly because they were single. Conflicts which emanate from the family include what the researcher termed as *pecuniary conflicts* and these imply conflicts over the disposal of salaries of women instigated by their husbands. These conflicts strip women of the prerogative to control the product of their own labour

and would in turn demoralize them in employment relations. Politics of the family is rooted in the institution of lobola which involves African culture and practices. In Zimbabwe, lobola is a bride price which is paid in exchange of a woman to play the role of a wife to the prospective husband till time indefinite. The researcher regarded these relations as the bedrock of the plight of women in employment relations due to the fact that whenever a woman asserts her right to the product of her labour, the husband would waive it by countering that he paid bride price for her. This is commodification of women and negatively militates upon their free will in employment relations. Other paralyzing factors emanate from the legislative framework and these concerns were common in the questionnaires.

11. Work Place Relations and Problems Emanating From Legislation

Out of 53 women who completed questionnaires, 14 faced conflicts which are rooted at the workplace. The burning question is the maternity leave which is largely piecemeal. Section 18 of the Labour Act is piecemeal in that it gives the right to maternity leave to a woman who would have served for a year and more under an employer. Moreover, a woman is only entitled to three periods of maternity leave under her service with an employer. These sentiments were raised by questionnaire respondents. The question whether maternity leave is really a right arises. Generally it is apparent that women's roles surpass those of man in society. In this regard the concerns which were raised by women who completed the questionnaires were duly placed.

It is worth noting that politics of the family extends to employment relations and to the national level to have a negative impact on labour voluntarism and autonomy of women due to the fact that the same man from the family institution ventures into the national forum and employment relations with his patriarchal mentality. In this regard, it is worth noting that labour autonomy and voluntarism is more of an adopted *two-faced shield* which is useful in deflecting the meddle of capital in labour's voluntary activities on one hand and the government interference in its autonomous activities on the other. Hence, it should not have been adopted in a radical manner but should have been adopted after revising African customs and attempts at reconciling it with the tenets of labour voluntarism and autonomy should have been made.

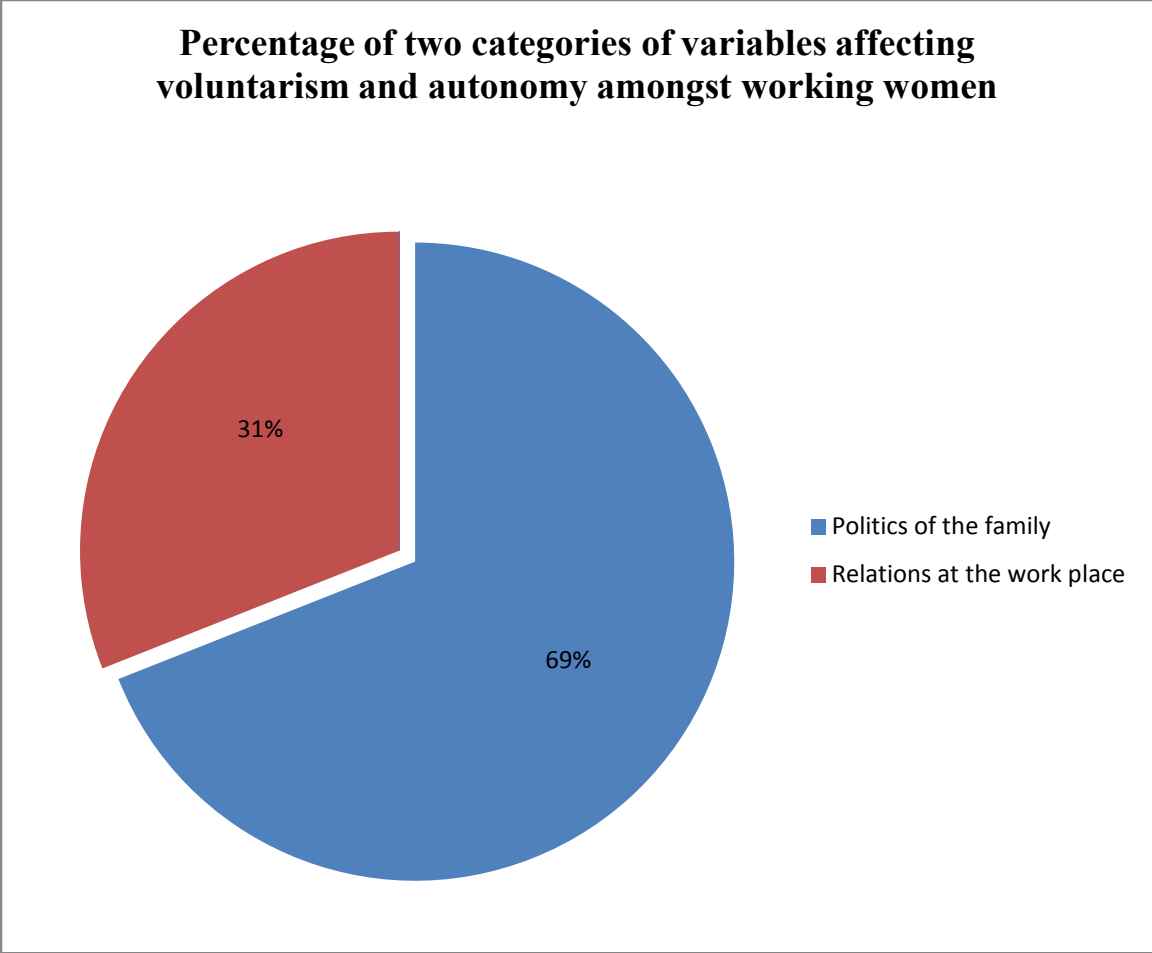


Fig.4 shows percentage of the two categories of variables affecting labour voluntarism and autonomy amongst working women.

Source: Primary

4.4.Factors Affecting the Distribution of members Among Unions

The researcher distributed 89 questionnaires for the research and 9 were no returned as indicated above. This left the researcher with 80 questionnaires. In this regard, 4 questionnaires which were distributed to the Municipality of Marondera were served by random probability sampling due to the fact that this part of the research which sought to attain the development of the national labour movement in relation to labour processes in local authorities was done during the author’s attachment in the said local authority. In this regard, the author had ample time to conduct random probability sampling using the *hat system*. Local authorities were treated as part of the public sector and altogether questionnaires which were sent to the public sector were 23 as

highlighted in the previous sections. The remaining 62 questionnaires were distributed to some companies in the private sector which were sampled conveniently and these include Nelma Guest Lodge, MIMOSA Mining Company and Zuva Petroleum Company. Zvishavane Government Hospital is a part of the Public Sector and 3 questionnaires were served to nurses in a purposive manner and these three nurses belong to ZINA, an association for nurses.

The sample revealed that in the private sector companies, trade unionism is common. In this regard, out of the 19 sampled workers from Zuva Petroleum, 15 belong to the ZCTU and 4 are represented by the ZFTU. MIMOSA Mining Company based in Zvishavane was also sampled and the questionnaires showed that all the 19 employees who were sampled only know of a workers' committee which represent them. Many of these workers alleged that external unions were inadmissible at MIMOSA. Furthermore, Nelma Guest Lodge which is based in Zvishavane has also a workers committee but unions are alien. Questionnaires served to Zvishavane town council revealed that the council has only the ZURCWU to represent workers and it is an affiliate of the ZCTU. Three informal traders which were sampled in Harare refused to be linked to any vendors' union sighting politicization of these unions.

The researcher also investigated the public sector by the aid of questionnaires. The public sector encompassed three ministries, two local authorities and a public hospital. All the questionnaire respondents in the three government ministries which amounted to 7 respondents are not represented by any union. In this regard, 5 expressly sighted the Labour Act which unfairly confers upon them the mere right to consult and 2 of them simply said it is inadmissible for them to engage in unionism. Zvishavane Hospital is part of the public sector and all three nurses investigated belong to ZINA, an association which represents nurses in Zimbabwe.

The research has shown that the ZCTU dominates a fair share of membership in the private sector unlike the ZFTU which has much ground in the public sector. The trend which was inferred from the questionnaires is due to the fact that to some extent employees in the public sector secured employment along partisan lines and they view belonging to the ZFTU as being politically correct. Furthermore, the Public Service Act simply makes labour voluntarism and autonomy elusive in the public sector. This trend has a bearing on labour autonomy and voluntarism as the association of the ZFTU with the Zanu PF party and the ZCTU with the MDC party put the cause of unionism into disrepute. Moreover, those employees who showed no affiliation to the major unions said that they prefer a union which is closer to their grievances and dismissed the ZCTU and ZFTU leaders as political animals and businessmen who are not doing anything significant for workers. There were also some employees who denied any affinity to any sort of union and they cited unreserved trust in unions as the repositories for workers' interests. The convictions of not belonging to any union by 3 informal traders sampled in Harare were given by the said respondents as a measure to guard against their meager earnings. This holds to some extent, if one takes into account the fact that disposable incomes lingers subdued in the public sector amid a poorly functioning economy. The Zimbabwe's non-performing

economy is negatively militating upon labour voluntarism and autonomy as employees sacrifice the exercise of their right to money saving.

Membership Graph Showing the Distribution of Workers Among Unions

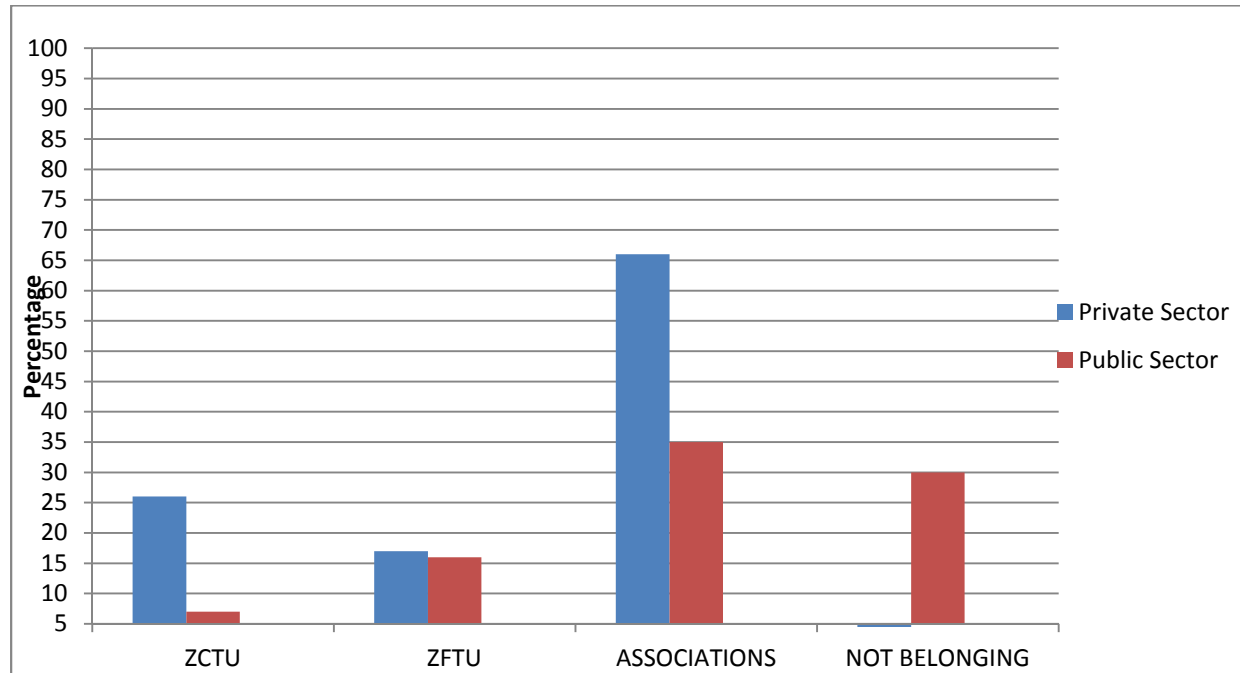


Fig. 5 illustrates the relative distribution of membership in unions according to the samples

Source: Primary

4.5. Analysis of Section B (Workers’ Attitude to the Exercise of the Right to Strike Action)

Workers who completed the questionnaires provided a variety of views over the exercise of the right to strike action. Many employees’ answers impliedly and sometimes expressly reflected the regard of the right in question as anathema. The researcher designed questions which sought to sift sensitive data in a sophisticated manner. This entailed creating the questionnaires in a quite indirect manner, for example to find out the workers’ attitude to strike action, the researcher asked if workers in the questionnaires had ever embarked in unorganized, individual strike action which include damaging industrial machinery, pretended to be sick to avoid work and to self-induce some injuries on their anatomy. The researcher hold a conviction that the embarking on any of those unorganized forms of strike action would be clear testimony of the fact that unorganized strike action is now being taken as a measure of last resort and the reality which can be achieved than the organized strike action which is the elusive and the imagined. Nevertheless, it cannot be fully established beyond the shadow of a doubt that cases of unorganized strike action are mostly due to the fact that workers cannot embark on organized strike action. In this regard, workers can embark on actions which could be seemingly unorganized strike action like

pretending to be sick to merely excuse themselves from work to take care of personal business. Out of the 80 people who completed the questionnaires, 51 indicated that they have at some point pretended to be sick, 5 people had tampered with work machinery to avoid work, 6 have indicated that they injured themselves at some point, 14 indicated that they would organize a collective strike action if need arises and 4 expressed complete indifference to strike action either organized or otherwise.

The Graph Illustrating the New Trend of Strike Action

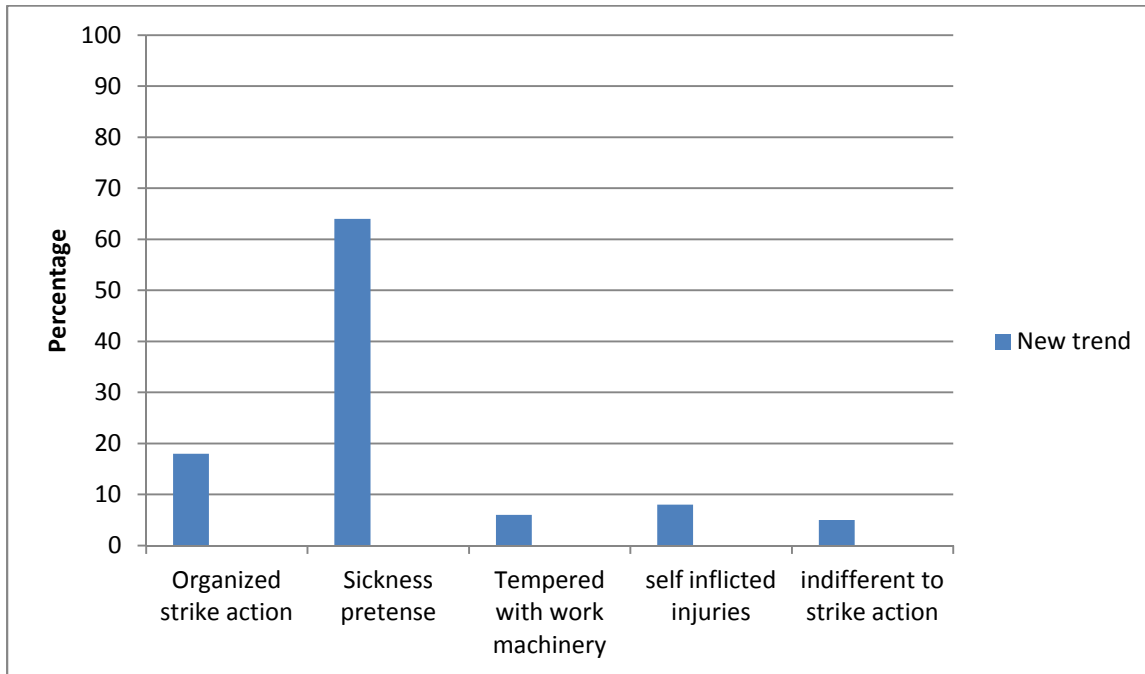


Fig. 6 shows the new trend of strike action

Source: Primary

The researcher referred unorganized strike action to as “the new trend” in a bid to explain the alternative cause of action to organized strike which is a right at the verge of extinction. It is much likely that organized strike action which involves the right to withdraw labour and take other like concerted channels of expressing displeasure in employment relations has been overtaken by events. This is evidently due to the government’s tightening of its grip on employment relations with regards to labour voluntarism and autonomy by enacting discouraging legislative pieces, for example the provision inherent in the Labour Act which provides for the show cause and disposal writs. The period from 2000 to 2015 has seen the dwindling of the right to strike as compared to the preceding second decade which stretches from 1990 to 2000. The right was popular and more available to workers in the 90s unlike the 2000s as exhibited in Chapter 2. In this regard it is quite ironic how events have turned. The 2000s have witnessed a worst case scenario in the history of Zimbabwe’s employment relations owing to

massive unemployment, poor policies which affect labour and practices and unfair labour practices unfolding in the reluctant eye of the government. It is apparent that the government has find an easy way of encroaching on workers' voluntary actions by amending the Labour Act at will which is already heavily bloated with discouraging provisions without taking due stock of the long term ramifications. In light of the points discussed in the preceding chapters, this is a new way of government interference which is negatively militating upon labour voluntarism and autonomy. Workers' resort to unorganized strike action goes to prove that labour voluntarism and autonomy in the period from 2000 to 2015 has been much of the imagined than the real.

The researcher dissected the cause for the avoidance of the right to strike action into seven factors. Workers in different sectors provided various responses in the wide range of factors which include fear of management reprisals, job insecurity, lack of confidence in the justice system, exhausting procedure for satisfying strike action, ignorance, regarding of the right as ineffectual and conservativity. In this section local authorities which were sampled which include Municipality of Marondera and Zvishavane Town Council were treated as part of the public sector. Moreover, Zvishavane Hospital was treated as part of the public sector.

Out of the 62 workers sampled in the private sector 7 indicated that they are in fear of management reprisals if they conduct a strike, 47 had concerns over job security, 10 expressed lack of confidence in the justice system mostly citing different scales of justice which were weighed on July 16th Supreme Court judgement, 4 indicated the procedural technicalities which are involved, 2 regarded the right as ineffectual, 9 reflected ignorance and 1 expressed conservativity liasing with the government's predicaments.

Graph Illustrating the Factors which are Dissuading the Right to Strike Action in the Private Sector (Below)

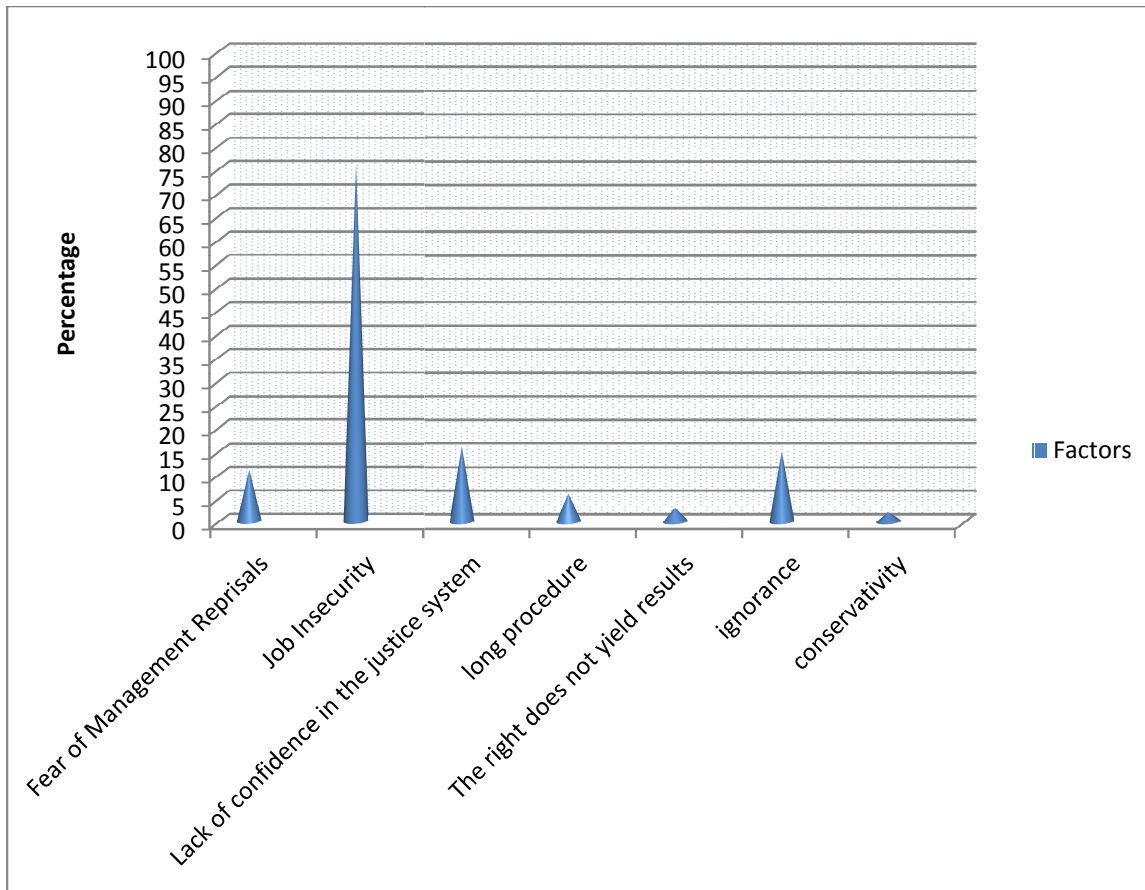


Fig.7 Shows factors which are militating upon the right to strike action in the private sector.

Source: Primary

On the other hand, in the public sector, out of 23 workers, 4 indicated fear of management reprisals as a dissuasion to the right to strike, 9 expressed concerns over job security, 2 indicated that they lack confidence in the justice system, 2 raised concerns over cumbersome procedural technicalities, 1 attested that the right does not work, 2 affirmed ignorance and 3 indicated conservativity. The data shows that there is conservativity in the public sector with regards to the right to strike and this establishes some fanaticism rooted possibly in the way one would have secured employment. These people feel they owe the government and narrowly the ruling party, hence they subscribe to the adage that “one cannot flout the vagaries of the person that feeds him”. On the other hand the private sector is fledged with people who are not well informed with matters relating to labour voluntarism and autonomy largely due to the fact that some of the

businesses operate on narrow margins and information technology flow to their places of work is slow. These results were exhilarating due to a series of ticks which justified and corroborated the researcher's presupposed dimension.

Graph Illustrating the Factors which are Dissuading the Right to Strike Action in the Public Sector (below)

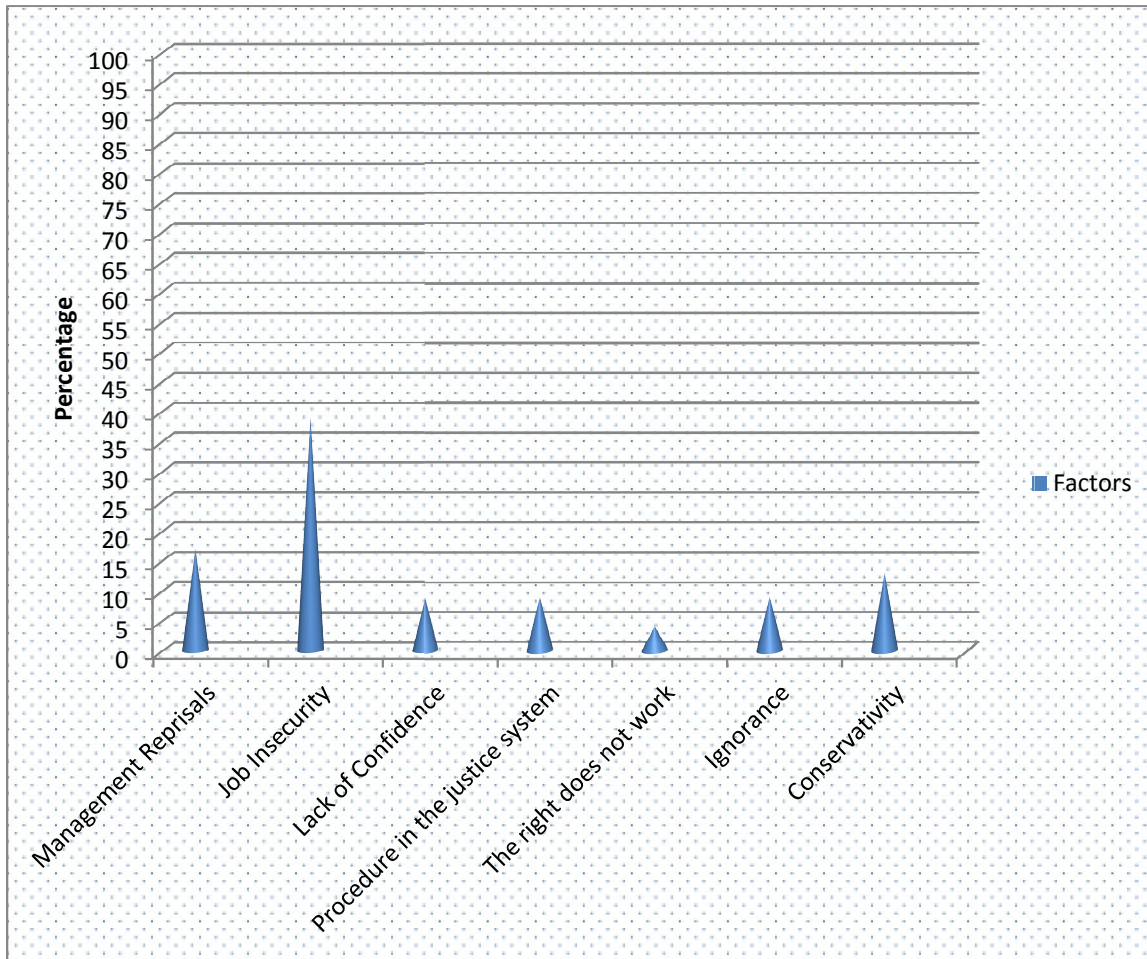


Fig. 8 Shows factors which are militating against the right to strike action in the public sector.

Source: Primary

A wide range of major causatives such as the economic stress and neo liberal tendencies are militating on the right to strike action. This proves that to a larger degree, labour voluntarism and autonomy in Zimbabwe's employment relations is much of an illusion than the reality.

4.6. Analysis of In-depth Interviews

The researcher managed to conduct in-depth interviews with people who matter and was able to regard all angles of the subject matter. These interviews enlightened the researcher with regards to labour voluntarism and autonomy in Zimbabwe.

The researcher regarded the development of labour relations in local authorities in relation to the national labour movement. In this regard, Municipality of Marondera plant trade unionists under Marondera Municipality were interviewed whilst Zvishavane Town Council plant trade unionists were served with questionnaires. Mr Muyumbo (the Organizing Secretary) of Marondera Municipality Workers Union which was once an affiliate union of the ZCTU at one time and later shifted to the ZFTU was interviewed. The chairman of that same union, Mr Munyanduki was also interviewed. These people are close to the events of Marondera Municipality, a small city but a water shed of pure politics which causes a premium in the affairs of the local authority.

The Ministry of Labour in Marondera, Mashonaland East Province and Zvishavane district was also interviewed to regard the Ministry's interaction with the main union bodies and the affiliate unions within organizations. The respondents from Marondera Municipality Workers Union revealed that the union was formed in the wake of the formation of the first ZCTU in the independent Zimbabwe. The actual date of formation varied between the two respondents, whereby the organizing Secretary cited the year 1987 and the chairman cited an earlier year in the matter of 1984. During the time in question the Marondera Municipality Workers Union was an affiliate union of the ZCTU. According to the respondents, labour relations in Marondera Municipality developed in tandem with the national Labour lobby group. The respondents echoed similar sentiments like those cited in Chapter 2 as posited by Bond and Saunders (2005) that the early ZCTU was a corrupt labour centre marred by corruption and authoritarianism and this precipitated its collapse. In this regard, the respondents posited that the plant based union detached itself from the ZCTU in the early 90s citing mishandling of finances. It was also revealed that Municipality of Marondera Workers Union participated in the general strike of 1996 and in the year 2010, the plant union instigated a strike which lacked a clear agenda.

Mr Muyumbo, a war veteran and an ardent enthusiast of the Zanu PF political organization articulated that in 2008, a management which was politically affiliated to the MDC got into office and virtually everything began to be politicized. According to this respondent, salaries were given in accordance to a person's political affiliation in the period in question. MDC councilors are said to had been at the fore front of perpetuating inequalities and deciding who was "to get benefits at which time and in what nature" in the words of Laswell (1936). The strike of 2010 went on for 9days without any show cause order being imposed by the responsible official in the matter of the Labour and Social Welfare Minister . Mr Muyumboattested that the

strike was a 9 day banquet but they declined to provide the source of the funding in the face of an economy under strain in the third decade of independence. This compromised the accuracy of the facts which the respondents provided first by discrediting the management which was administering the local authority during the time in question. Mr Munyanduki pre-empted that this resulted in mayhem in the Council's employment relations as the workers' cause had been subverted and replaced by pure politics. The researcher sampled this local authority to regard whether politics also militates against labour voluntarism and autonomy in local authorities. Nevertheless, the researcher was not able to secure a schedule with people who matter the most in Zvishavane Town Council and he resorted to questionnaires which targeted workers.

The researcher had the privilege to also interview, Mr Muchinako who is the Provincial Labour Administrator in Mashonaland East Province and he also cited the influence of politics in employment relations in the province. Mr Ndlovhu. P is also an Officer with the Ministry of Labour in Zvishavane District whom the interviewer had the singular privilege to interview. According to Mr Ndlovhu, *"National Employment Councils are compromising the worker's voluntarism and autonomy due to the reason that they are financed by the employer"*. He also sighted section 106 and 107 of the Act which gives the power on the minister to venture with a show cause and disposal order respectively, to stall a strike as a backdrop to labour voluntarism and autonomy. Mr Ndlovhu also posited that:

"there is no labour court in Zvishavane and disgruntled workers are left with no option except travelling to Gweru to 'search for justice' and others even choose to let the employer win by aborting the journey owing to lack of money for appeals and transport or even lack of confidence in the outcomes....justice procrastinated, is justice declined". This is a cause for anxiety as a lack of a Labour Court in the region is compromising urgent conflict resolution.

The researcher also interviewed Mr Tasiyana who is also a Labour Officer in the Ministry of Labour and the integrated Social Welfare Department in Zvishavane. Mr Tasiyana, sighted grey areas in legislation in the light of Section 23 and 24 of the principal Act which governs labour relations. According to Mr Tasiyana:

"the Act should be revisited to cloth workers committees with the prerogative to stand before a court pressing charges or otherwise". He supported this by saying that the workers committees are the immediate and express voice of the workers. It is worth noting that the respondents echoed these common statements to which they selectively asked the researcher to pledge confidentiality:

"during election time individuals in unions and management structures abandon the language of fair play at the work place and replace it with political language and this was common in the 2013 elections when statements like 'bhora muggedhi' (vote wisely for the ZANU PF government and be politically right) and bhora musango (vote for the opposition MDC to beat the odds or to change norms) were the greeting language and this shocked some of us when we had to find out

that some of us are under the guise of having workers at heart when in reality they are 'political animals'. In this regard, politics is impacting a premium on workers' free will in virtually every sector of Corporate Zimbabwe rendering labour voluntarism and autonomy ineffectual.

4.7. Secondary Data Analysis

The researcher had the opportunity to regard relevant and important literature attained from the ZCTU. A document with the detail of the Trade Unions Workshop on Decent and Dignified work for Zimbabwe's Domestic Migrant Workers held from 18 to 19 March 2015 was analyzed by the researcher. This workshop was of interest to the researcher due to the fact that it reflected issues which had to do with gender and employment relations, regarded the family institution as part of *micro* employment relations and reflected labour relations internationalism as the workshop was conducted in the setting of the Tri-National Workshop which was conducted in October 2014 in Johannesburg and which included the Southern African countries of Lesotho, Zimbabwe and South Africa. This shows that the prospect of accomplishing international standards with regards to labour voluntarism and autonomy should not be regarded as farfetched. The Trade Unions Workshop on Decent and Dignified Work for Zimbabwe's Domestic-Migrant Workers was organized by the ZCTU and the Zimbabwe Domestic and Allied Workers Union, nevertheless it was not exclusively about domestic workers but the improvement of the welfare of workers in general. ZDAWU is fighting for the recognition of informal and domestic employees. The paper on the workshop exhibited efforts should be expedited to look into the following issues.....

- i. Organizing domestic workers so as to make them abreast with formal labour elsewhere with regard to labour voluntarism and autonomy and fair practices at the place of work.
- ii. Integrate support of the stakeholders to give voice to domestic workers and other workers in unrecognized trades.
- iii. To goad NGOs and leaders at the community level to advocate for the imminent ratification of the ILO Convention Number 189 which confers labour voluntarism and autonomy on informally employed people such as people who are in domestic employment.
- iv. The conversion of legal rights of workers in domestic employment into main languages in a clear and understood manner by domestic employees who do not have sound education backgrounds.
- v. Work invariably to raise public awareness of Domestic Workers regulations of Work S/377192.

In Marx's words workers do not have anything to lose, save for their chains, hence the workshop which was highlighted above was significant in propagating labour voluntarism and autonomy regardless of the remoteness of their places of work. The report underscored gender, domestic

work and migration which have connotations of labour internationalism in the Zimbabwe-South corridor.

4.8. Achievements from the Trade Unions Workshop on Decent Work for Domestic-migrant Workers in Zimbabwe

The literature obtained from the ZCTU reflected that the union has made much strides so far as to secure an affiliate status with the International Labour Organization (ILO). On this note, The Trade Unions Workshop on Decent and Dignified Work for Domestic-Migrant Labour was conducted in the auspices of the International Labour Organization and it made some considerable accomplishments which include:

- i. Raised awareness for the need to protect migrant workers in the Zimbabwe-South corridor amid inhuman xenophobic attacks which always loom and which do not only violate the worker's rights to a trade of choice but right to personal security.
- ii. The need to empower workers in various trades in the Zimbabwe-South channel by preaching unionism to them.
- iii. The recognition of domestic-migrant workers was an immense stride towards the call for coming together of labour across trades and across national boundaries.
- iv. The lobbying for the simplification of the legal framework is instrumental in strengthening the marginalized workers' legal standing to enable them to exercise their rights if need arises.
- v. Served as *alitmus test* for the feasibility of labour internationalism with regards to labour voluntarism and autonomy.

4.8.1. Challenges that the Trade Unions Workshop on Decent Work for Domestic-migrant Workers Identified that Need Remedy for Addressing Labour Voluntarism and Autonomy in Zimbabwe

- The legal rights of workers in domestic employment as given by Employment Regulations, S/377192 are provided in complex legal language which is not easy to understand to the average domestic worker.
- The large number of domestic workers are not conversant with their rights and do not make efforts to empower themselves.
- Some essential ILO Conventions have not been ratified by the parliament of Zimbabwe, For example Convention 189 and this leaves the labour relations framework wanting.
- The majority of domestic workers are women and gender issues need to be addressed with regards to the realization of labour voluntarism and autonomy.

- Labour practices and standards are not uniform among trades owing to different standards used by the government.

4.9. Secondary Source: Analysis of Print Media

The researcher conducted his research in the wake of widespread dismissals in employment relations and the July 17th Supreme Court verdict involving Zuva Petroleum workers came during the course of his research. In this regard, print media was mostly relied on to regard the events as they unfolded. The events which followed the Supreme Court verdict were relevant to the research due to the fact that the dismissals disempowered workers, hence compromised labour voluntarism and autonomy.

Employers have utilized the advantage of proprietorship to do as they deem fit and this has been militating upon labour voluntarism and autonomy in Zimbabwe's employment relations. The government is also an employer, as such it was in motion with the tide after the passing of the Supreme Court verdict. In the Education Sector, random head counts were conducted and teachers who were found absent from work were suspended indefinitely. According to the Financial Gazette (2015) government and unions are at loggerheads over different treatment of workers whereby some are under clutches and some are at liberty. It was ironic the way the government advocated for social justice when it was also perpetrating unfair labour practices.

The government of Zimbabwe amended the Labour Act in 2015 after the Supreme Court had passed a verdict which endorsed the employer's right to dismiss workers on notice which is derived from the common law. The amendment repealed part of Section 12 of the Labour Act which provided for the compensation or reinstatement of workers who were dismissed before and after the date the Act came into force. Nevertheless, employers palpably flouted the new law and this placed the fate of the worker into uncertainty. According to The Herald (2015), trade unions raised concerns over some employers who were blatantly reluctant to abide by the latest labour law. The grey areas in Section 12 of the Labour Act Chapter 28:01 have been somewhat invisible over the years only to be identified after the Supreme Court verdict of July the 17th. Different newspapers had different viewpoints on the amendment to the Act which provided for the retroactive application of the law to correct the seemingly social injustices which resulted due to the widespread dismissals which followed the July 17th Supreme Court verdict. The above review shows that labour voluntarism and autonomy is quite elusive in Zimbabwe's employment relations.

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

5.0. Summary

Chapter one of this dissertation was set to take stock of whether labour voluntarism and autonomy in Zimbabwe is the reality or the imagined. The author was preoccupied with a hypothesis which regarded labour voluntarism and autonomy in Zimbabwe's employment relations as much of the imagined. He went on to propose a comprehensive definition of labour voluntarism and autonomy by coining it a *two faced shield* which is designed to deflect the negative interference of the government and capital in the activities of workers and their trade unions. Chapter two portrayed labour autonomy as the means to voluntarism due to the fact that for voluntarism to be possible the workers should be independent and the right to organize should be fully given. In this regard, voluntary action which include the right to strike or withdrawal of labour, the right to voluntary collective bargaining and the right to organize underlie labour voluntarism and autonomy. This is largely due to the fact that for the above seemingly related pertinent activities which place the workers and capital at par to be realized, the workers need to be independent from external elements. Labour voluntarism and autonomy enables the employees to lead fulfilling lives and enjoy the employment relationship. The author's hypothesis was proven by the research conducted and which is exhibited in Chapter 4. This work established that labour voluntarism and autonomy is much of the imagined than the reality due to the following reasons:

- a) The right to strike is stifled and for a union to be able to conduct one it has to satisfy cumbersome and long procedural steps as discussed in Chapter 2.
- b) Illegal strikes attract criminal liability and a stiff penalty is involved.
- c) Strikes are facing extinction in the light of the period from 2000 to 2015, unlike in the 90s when the right was readily available to workers to express disgruntlement and push for the correction of unfair labour practices.
- d) Trade unions as voluntary organizations are not that voluntary owing to the meddle of capital and governmental agencies
- e) The judiciary is encroaching on labour voluntarism and autonomy by going as far as applying remote laws in the light of the common law to support wild cat dismissals by employers.
- f) The government has been leaving grey areas in legislation for future manipulation as indicated in preceding sections and this is a drawback to labour voluntarism and autonomy. Due to these factors the author came up with the recommendations outlined below which can ensure labour voluntarism and autonomy in Zimbabwe's employment relations.

5.1.Recommendations

5.1.2. The Institution of the Family, Labour and Gender

The family institution is the foundation of employment relations. The worker comes from the family as an individual and commits to employment relations to enable his or her family to lead fulfilling lives. Hence, a sound foundation guarantees a structure which is out for fair recognition in so far as to fully include women. The following recommendations are given:

- Community based workshops should be conducted by trade unions to encourage men to support women in order for them to freely engage in employment relations and realize their full potential. Trade unionists can use union dues in a useful manner of conducting these workshops.
- Trade unions can also establish a research body which explores measures to promote labour voluntarism and autonomy and the progressive realization of women's participation.
- Laws which compromise women's labour rights should be repealed and a piecemeal maternity leave should be revised and made satisfactory. This can be achieved by amending Section 18 of the Act and loosely give every working woman a maternity leave on full pay regardless of the period of service.
- Working women through the auspices of trade unions can establish an association which is progressive and which complements the efforts of unions in matters relating to working women. Unions should be involved to preclude paralyzing divisions but should be involved in a constructive capacity. This association could represent all working women in Zimbabwe and replace the cosmetic *women's benches* which are inherent in virtually every undertaking. This association should be vibrant so as to claim a considerable foothold on the employment relations arena and to be heard on tripartism.
- Working women's associations in Zimbabwe should engage with international Labour associations for working women. A good foundation attracts donations from international labour bodies and this in turn contributes to the realization of an international labour movement which specifically caters for women. This would enable Zimbabwe's working women to learn from other women across borders who have fought for autonomy and succeeded in that measure.
- It should be key to take merit into account when deciding who to assume positions in voluntary organizations and in so doing women will be empowered as they would work hard to satisfy the requirements. Automatic affirmative action is the bed rock for the subjugation of women to some extent. This is due to the fact that women who ascend to influence in such a way will still feel like they owe the men who directly or impliedly contributed.

5.2.1. Control by Statute Versus Complete Voluntarism

The research has shown that statutes which include the Constitution and the Labour Act govern employment relations and give effect to labour voluntarism and autonomy and equally hinder it.

Control by statute is a necessity and undoubtedly the best that can be accomplished at the moment. This is as a result of the fact that the law confers force on regulations and CBAs. The employer or the employees, either party is bound to default and this may result in industrial anarchy which could in turn culminate into public mayhem. To some extent, statutes ensure parity in industrial relations. This shows that the state has since assumed an inevitable fair share of influence in Employment Relations.

- The state is much of a political entity and its political activities should be kept to a minimum when venturing in employment relations and this should be expressly expressly stated in the Labour Act.
- The Labour Act need to assure equality between labour and capital and this can only be achieved when all the stakeholders are involved in its making. On that note the line between the state and government should be expressly definite regardless of its thinness.
- Disabling politics should be averted and dissipated through willfulness by the state agencies and this can be learnt from the United States of America's experience which was characterized by political will in enacting the Wagner Act of 1935.
- Politics is ubiquitous, nevertheless voluntarism is key and should be buttressed by law to ensure an equilibrium between labour and capital and also to check on the activities of the state in employment relations, hence the Labour Movement should be given reverence by politicians.
- The government should bring labour courts to the furthest fringes of the society to ensure timeous and convenient quest for fairness, for example to Zvishavane.

5.2.2. Voluntary Trade Unions

Labour voluntarism and autonomy is indispensable to employment relations to give workers a measure of influence in employment relations.

- The right to organize should be fully given to enable workers to unite against the exploitative schemes of capital, hence the following sections of the Act: 104 which gives the right to strike, 106 which gives the minister power to impose an order to exhibit why the strike should not be stalled, 107 which gives the minister power to dispose a strike, 109 which gives stiff penalties for architects of illegal strikes, 110 which involves the minister in appeals against strike action and 112 which clarifies penalties should be synchronized with section 65(3) of the Labour Act to give full effect to the right to strike.
- Trade unions should be voluntary unreservedly and not to be motivated by political interests. The independence of a trade union should be the prerequisite for and major qualification for registration , unlike the current system which do not expressly state this in statute. The United Kingdom system which emphasizes the independence of the registrar should be adopted as hinted at in the preceding chapters. In this regard, the registrar shouldn't be a political appointee but should be elected by the Judicial Service Commission. This would ensure a measure of voluntarism in the establishment and

activities of workers' organizations in their interaction with employers and the government.

- Laws which stifle the right to organize should be annulled through pressure from the public and workers' organizations. In Zimbabwe, POSA of 2002 has been hindering the right to organize in employment relations and elsewhere. To a larger degree, such enactments were promulgated to serve political interests by its crafters. In this regard, such statutes need to be synchronized with the Constitution.
- Trade unions should work in tandem with tertiary institutions to establish research centers which seek for measures to correct impediments to labour voluntarism and autonomy. Invariable engagement would offset unfavourable occurrences such as the July 17th wild cat dismissals which ensued after the Zuva petroleum Supreme Court verdict which was highlighted by the author in chapter 2.

The judiciary and the courts have been long regarded as an impediment to labour voluntarism and autonomy. Trade unionists throughout history held unreserved voluntarism which is not subject to jurisdiction by the courts as more favourable and desirable. This was largely due to the fact that impartiality is elusive to some extent with regards to cases which have societal class connotations. It is quite evident from the author's analysis that the judges who sit in any court belong to a certain class and they would ultimately hand down a verdict in the favour of their class in a bid to ring fence their interests. The Supreme Court verdict of July the 17th, 2015 was passed in favour of the employers of the Zuva Petroleum largely due to the fact that the adjudicators felt the outcome would also affect their status. Government officials in Zimbabwe which include the judiciary, the executive branch, the legislature and those in parastatals and the security sector own capital in numerous productive sectors in the country. This shows that class issues are quite influential to verdicts. This can be overcome by enacting provisions in legislation which seek to propagate impartiality and preclude substantial unfairness.

- It is highly commendable that trade unionists and labour experts should be given complete legal capacity to appear and offer persuasive points in court to ensure labour voluntarism and autonomy in cases involving labour issues. The provision which is given by the 2015 amendment which prohibits parties to a dispute to be assisted by members of the Judicial Service Commission is an example of measures to achieve progressive realization of fairness in matters involving employment relations. Hence, the courts should protect and promote labour voluntarism and autonomy when interpreting the law.
- Workers Committees should be given the right to sue or be sued in a court of law and this can be realized by amending section 24 of the Act to rid the grey area which is inherent in this provision as highlighted in the preceding sections.

5.2.3. Voluntary Collective Bargaining

- Collective bargaining should be completely voluntary and in good faith, hence no negotiations should commence between the parties unless the workers in the counsel of

an external auditor have established beyond a reasonable doubt that the employers had provided accurate financial statements.

- The minister should not interfere in CBAs in any way either in the capacity of amending or refusing registration. It is evident that the minister is a political appointee to cabinet and his interference in voluntary actions like collective bargaining would make it nugatory.
- The mandate to accept or amend Collective Bargaining Agreements should lie with a parliamentary committee not an individual. This would ensure a measure of impartiality.

5.2.4. The Right to Strike

The right to strike should be protected and promoted due to the fact that it signifies the putting of labourvoluntarism and autonomy into practice. This right underlies voluntary action and gives influence and power to the worker, hence strikes an equilibrium between parties in an employment relationship. These entitlements bear general applicability to every employee. Nevertheless, the right to strike is made ineffectual by cumbersome procedures which have to be satisfied for a strike to qualify as lawful, provisions in the Act apart from labour rights negatively militate against this fundamental right and unreasonable deterring sentences for “unlawful strikes” also militate against the right to strike as discussed in the preceding chapters.

- For this right to be fully realized the three organs of government should pay proper regard to labour rights taking into account the fact that those fundamental entitlements are as a result of the general will of the people of Zimbabwe. Hence, the rights should not simply be on paper but the employees should be left to exercise their constitutional rights. The other issue which need correction is the fact that the right to strike is hindered by cumbersome procedures which render it difficult to embark on.

The conditions which satisfy a strike action to qualify as lawful are difficult to meet owing to the red tape and longevity involved and this should be corrected. The Labour Act is much of an obstruction than a stepping stone in this instance. This Act unreasonably puts the dispute of right out of the question by only making a dispute of interest fit for strike action.

- The dispute of right should attract strike action like the dispute of interest. Any dispute warrants a strike action if the other party is unreasonably not complying with pleas for fairness in employment relations. Taking a dispute of right out of picture would simply give the employers the privilege to do as they deem fit among other many privileges they have. Hence, the magnitude of the dispute should be compelling cause enough to warrant strike action regardless of the nature of the dispute.
- The Act also provides that a fourteen day written notice need to be served to the employer before the employees could embark on a strike. This prescribed period is too

long and ultimately demoralizes the workers. On the contrary, a three day period would be sufficient for the employers to come to a decision. The Act also states that before workers could resort to strike action, conflict resolution mechanism like conciliation and arbitration should be made use of. All these conditions give the right to strike a status of a measure of last resort and put strike as a right in a compromising place.

- Arbitration should act as an umpire and not a commander. Moreover, arbitrators should be scrutinized for independence. In this regard, the Labour Act should regulate employment relations in such a way that it takes into account the free will of workers for the realization of equal distribution of influence between labour and capital. This would overcome what Marx (1988) coined alienation to some extent as discussed in Chapter 2 due to the fact that the employee will feel significant and in control of the processes and fruits of his or her labour.
- The provision which criminalizes unlawful strike action has been over taken by events due to the fact that apart from providing for labour rights, the 2013 Constitution gave reprieve to prospective violators of contractual obligations. In the labour act, an unlawful strike action attracts criminal liability which is characterized by a harsh level fourteen, 5 year sentence. Hence, this has to be annuled or amended due to its unconstitutionality. In this regard, section 49(2) of the Constitution provides that the grounds for detaining a person who infringes a contractual obligation are empty. In this regard, an employment relationship can be regarded as a contract due to the fact that the employee accedes to provide labour for the employer and the employer in turn accedes to pay for those services for a stipulated time. In this case if an employee withdraws his or her labour, he or she can be regarded as having broken a contract.
- The common law is of the position that the employee has the duty to supply labour, nevertheless this should not be used against employees due to the fact that the Constitution as the major law of the land has overriding force over all other laws. This goes to prove that the right to strike should be upheld and this can only be fully achieved if the criminal liability is not attached in any way to the right in question. Relaxing these stiff penalties would go a long way in promoting labour voluntarism and autonomy.
- The show cause and disposal orders need to be overhauled from the Labour Act. These writs serve political motives in the Zimbabwean context to some extent. Hence, in as much as the show cause order tries to compel employees to justify their collective job action, the writ itself is not justified. To some extent, the two concerted orders and the criminalization of the right to strike can be viewed as a scheme by politicians with prosecutorial interest only seeking just but to suppress dissenting voices against unrewarding employment processes. Hence, if procedural steps are relaxed no one employee will embark on an unlawful strike action due to the fact that unlawful strike is only a measure of last resort which can be taken because the conditions of a lawful strike are daunting to satisfy. Hence, regulation by statute is important but should seek to

protect worker voluntarism and autonomy by making the right to strike effectual and ultimately confer full effect to the realization of fairness in employment relations.

5.3. Essential Services as a Standard for Good Governance

The research unearthed that there is selective application of restrictions with regards to the right to strike and other similar concerted actions especially in the Health Sector where doctors are treated in a special way while other staff like nurses have to go it the hard way. In this instance, these equally important staff is deprived of labour voluntarism and autonomy whilst their superiors are in control of their work. Essential services are a necessity due to the importance of the services they give to society such that if they go on strike great harm would be accrued to society. The withdrawal of essential services might even trigger social unrest and concertedly overwhelming militancy. Morgenthau (2006) posited that politics is the tussle for power, as such the politicians in Zimbabwe make it a point that their power is not threatened. Hence, the government does a selection amongst alternatives with regards to which profession to give more benefits due to its sensitivity and its influence.

- The author proposed *the theory of sensitivity and influence* to explain the variance of the importance revered to different professions in essential services. Essential services can be used to cover up for the government's failure to perform as expected by society. This takes the form of giving benefits like the right to strike and timeous pay to a certain profession and deprive the other seemingly less significant the same benefits. Hence, essential services can be used as an external standard to measure the failure or success of the government, for example when selective benefits are given to a certain profession it would be a manifestation of failure due to the fact that it would be a mere strategy to avoid militancy and consolidate power. It is commendable for the government to treat professions in essential services equally to promote substantial fairness.
- The legislature can carry this proposed point and enact legislation which ensures equal recognition of essential services which indirectly and expressly affects society due to the fact that they are the pulse of the masses. The laying of such a solid foundation would oblige the government to be open and accountable to win public trust and ultimately promotes good governance. Nurses are part of essential employees and they are also treated selectively depending on their location. Nurses in Local authorities and those in the private sector enjoy significant labour voluntarism and autonomy unlike their counterparts in government hospitals. The investigation in Chapter 4 exhibited that nurses in local authorities can actually participate in strike action and they can only leave skeletal staff at the work place to take care of emergencies. In this case, Municipality of Marondera was taken as a case in point. Municipality of Marondera which is in Mashonaland East recorded two formidable strikes and the nurses in the Municipal clinic fully participated regardless of the strike's political connotations.
- It is imperative for all essential services to be treated equally to avoid what Marx (1988) coined "alienation" as discussed in Chapter 2.

- The prerogative to prescribe further essential services should not lie with the minister, on the contrary it should be expressly spelt out in the Labour Act, hence there should be a definite list of essential sectors. This would avoid the abuse of power by the minister who is apparently a politician affiliated to a political party. This would ensure labourvoluntarism and autonomy. Essential services should be prescribed in such a way as to ensure uniformity and fairness.
- Specialists with expertise should decide if a profession is really worth to be termed essential, this mandate can be given on the Legislature.

5.4. Conclusion and Future Prospects

In Zimbabwe, politics has been causing a premium on employment relations. This has rendered labourvoluntarism and autonomy as idealist and on the other hand deep seated government interference as inevitable. The justification of factors surrounding national interest and national security has resonated with employment relations as well. In this regard, the coming of new capital from China after the souring of Zimbabwe's relations with the West signified the introduction of different application of labour standards. The working conditions which include working hours, subdued salaries and unfair collective bargaining outcomes have been reported. This has been a set back to the achievement of voluntarism and autonomy of the worker. This trend is projected to continue given that the current Zanu PF government is further consolidating its Look East policy by engaging with countries such as Iran whose democratic principles are illusory. It is evident that human rights along with labour rights will continue losing ground. Nevertheless, this can be averted by the government's change of strategy and to start balancing state security with the social empowerment of its people which can only be achieved through fairly rewarding employment processes and outcomes.

The government should discuss the protection of labour rights of its citizens with external investors. Countries which achieved labour voluntarism and autonomy such as the United States of America with its Wagner Act can also be imitated. Moreover, the International Labour Organization should use its general status to monitor employment relations which involve external capital in a country and impose sanctions in the event of a breach and disturbance of settled points.

The political economy of Zimbabwe bears on employment relations. In this regard, the economic recession which the country is in is projected to take a turn for the worst due to the escalation of low industrial capacity utilization, revenue sources are declining and not to mention the rampant corruption as reported in the daily papers. The government is likely to take desperate measures and labour voluntarism and autonomy would be disregarded in the interval. A solution is imperative to normalize the system and ultimately safeguard labour voluntarism and autonomy. This would take the form of the giving of full effect to the rule of law which would ensure accountability and openness in the management of the economy and would impliedly enhance labourvoluntarism and autonomy. Labour voluntarism and autonomy which include the right to

strike, voluntary collective bargaining and the right to form voluntary trade unions is largely elusive in Zimbabwe's employment relations as shown by the study of the period from 2000 to 2015.

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APPENDICES

Appendix 1

Letter of request

MIDLANDS STATE UNIVERSITY

P. BAG 9055

Gweru

Zimbabwe

FACULTY OF SOCIAL SCIENCES

DEPARTMENT OF POLITICS AND PUBLIC MANAGEMENT

Questionnaire

To Whom It May Concern:

Dear Sir/Madam

Re: Request for information for a research

My name is Persistence Matanhire, a Politics and Public Management undergraduate with the Midlands State University registration number R124167R. In partial fulfillment of the degree requirements, all level 4.2 students are required to write a dissertation project. I am undertaking a research project titled, “**Labour voluntarism and autonomy: The Future of Employment Relations in Zimbabwe from 2000 to 2015**”. To this end I am carrying out data collection on the subject by way of questionnaire. Please complete the questionnaire noting that your answer would be used exclusively for academic purposes. Should you require additional information on the researcher please feel free to contact Chairperson, Prof P. Chigora on Chigora2000@yahoo.com

Yours faithfully

Persistence Matanhire

Email address

pecyepoet@gmail.com

**Appendix 2
QUESTIONNAIRE**

Tick where appropriate or fill in the blank space

You are not required to write your name

Part A: PERSONAL INFORMATION

1. Name of Organization/ ministry or department.....
2. Sex male..... Female.....
3. Age 20-29..... 30-39..... 50 and above.....
4. Marital status married.... single..... divorced... widowed.....
5. Current post i.e in a workers committee/ union / company structures (please specify).....

Part B: TRADE UNIONISM AND VOLUNTARY ACTIVITIES

1. Which union/ association do you belong to.....
2. Does it have affiliate status of any of the following unions ZCTU..... ZFTU..... N/A.....
3. Why is it your union of choice (justify in your own words).....
.....
4. Where do you often encounter conflicts about your work at homeAt the work place.....
5. What kind of conflicts which relate to work do you encounter with your spouse (if any)..... with your superiors (if any).....
6. Have you ever participated in strike action yes.... No.... .when..... and what necessitated the withdrawal of labour.....
7. What are your feelings towards the right to strike
 - i. Strongly believe in it.....
 - ii. Believe in it.....
 - iii. Do not believe in it.....
 - iv. Strongly do not believe in it.....

Justify your answer with any of the following

- i. I fear hatred with management (reprisals).....

- ii. Job insecurity
- iii. Lack of procedure in the justice system.....
- iv. Long procedure provided by the Labour Act.....
- v. It does not work.....
- vi. I do not know the importance.....
- vii. Everything is ok, there is no need to strike

8. Have you done any of the following to avoid work

- I. Pretended to be sick.....
- II. Tempered with work machinery.....
- III. Injured yourself.....
- IV. Went on individual go slow.....

9. Have you ever been dismissed or face threats of dismissal yes.... No.... what were the reasons.....

11. What is your view on Labour Unions and what should be done to increase fair labour practices.....

With profound gratitude and great humility, I thank you for your precious time

Appendix 3

Interview guide

- 1) Do you think the right to strike is protected in zimbabwe's employment relations?
- 2) How many major strikes have been recorded in your organization from 2000 to 2015?
- 3) In your opinion what should be done to safeguard the right in question?
- 4) What problems have you faced with regards to the right to organize?
- 5) Do you follow national politics as workers representatives/ labour officers in so far as to participate in the interval?
- 6) Is collective bargaining still assumed as the means to the joint resolution of terms?
- 7) Is it always a win to win situation in outcomes in CBA?
- 8) How extensive is your union in its coverage?
- 9) Which other unions are claiming a foothold on a considerable share of employment relations?
- 10) Have there been a woman president or secretary general in your union?
- 11) Are rulings from the courts regarding labour always fair?

With profound gratitude and great humility, I thank you for your precious time