

# Collective bargaining or begging

## Case of Zimbabwe civil servants

Zimbabwe's civil servants sometimes have to beg President Robert Mugabe for a pay increase. **Nunurayi Mutyanda** explains why this is the case.

It is wholly understandable that Zimbabwe's civil servants are disgruntled, dissatisfied and angry at their employer because of their low pay. This results in all but the most senior civil servants battling to support themselves, their families, and other dependants.

Not only does the considerable inadequacy of their salaries aggravate the civil servants, but their annoyance and fury has been made worse by the absence of any substantive evidence of concern on the part of the employer to their plight. For the second time in four months civil servants have also renewed pressure for salary increases by appealing to the highest office in the land to intervene in their deadlock with the Public Service Commission (PSC).

Obviously, those not so conversant with the Zimbabwean situation would ask why the government workers chose to plead than to engage their employer at the bargaining table. The reason(s) for such a scenario are found in the country's economic and political situation and the labour law that governs public sector workers.

### ECONOMIC SITUATION

Zimbabwe started using the United States dollar and other currencies

including the South African rand in 2009. This followed a string of hyperinflation that hit the 1,000% mark in 2008. The reason behind this hyperinflation can be traced in three economic policy errors made by the government.

Firstly, in 1998 the government awarded unbudgeted gratuities to war veterans for their role in the liberation struggle. Since the government had no feasible alternative to raise the funds the government opted to print the money without backing. It is this habit that the current Governor of the Reserve Bank of Zimbabwe (RBZ), Gideon Gono sensationally took on board and printed trillions of bearer cheques.

During the same period, Zimbabwe, as the chairperson of the Southern Africa Development Community (SADC) security organ involved herself in the Democratic Republic of Congo (DRC) war, under the guise that it was in the interest of maintaining regional peace and stability. Like the case of gratuities, the state resorted to printing money to finance this war that had little significance to the citizens of the country.

What sealed the country's fate was the government's controversial fast track land redistribution programme, which was described as an 'agrarian racist enterprise'

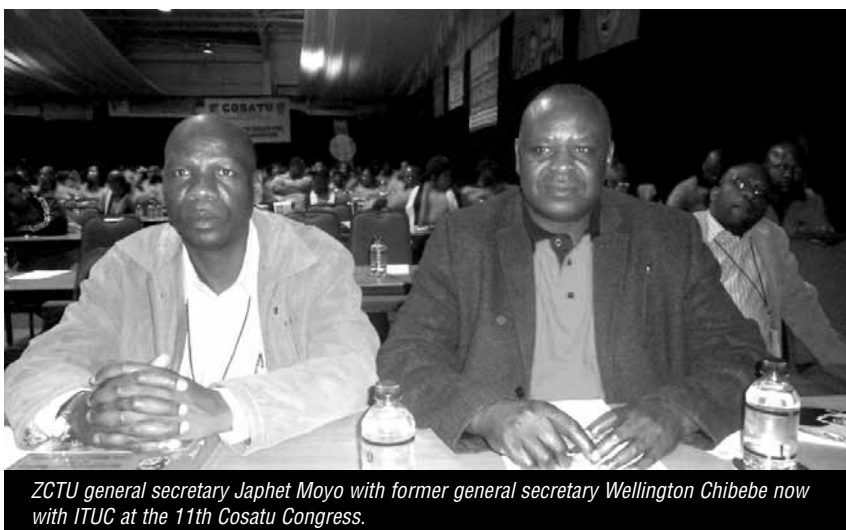
by the late Zanu PF founding member Edison Zvobgo. While the objective was to correct the legacy of colonialism, the results remain negative to this day.

The agro-based economy of the country nose dived. Industries closed and the bulk of the working class became unemployed. Those who hung on to their jobs, especially civil servants were paid worthless trillions of dollars. During this period of hyperinflation, the state made periodical adjustments on its employees' salaries in line with inflation, albeit, without even consulting the employee's representatives.

This painful period ended with the introduction of a multi-currency system in the county. While the economy is on recovery track, the state is failing to pay its workers in line with the poverty datum line. Unlike during the hyperinflation period, what has changed this time around is that the state is no longer able to print money to award civil servants a pay rise.

### LABOUR LAWS

The labour law in Zimbabwe is applied differently to employees in the private sector and the public sector. Workers in the private sector are governed under the



ZCTU general secretary Japhet Moyo with former general secretary Wellington Chibebe now with ITUC at the 11th Cosatu Congress.

Labour Relations Act, while the constitution of Zimbabwe gives parliament constitutional powers to create the Public Service Commission to govern government employees.

This arrangement has its roots in the Labour Relations Act of 1985 which excluded all employees in the public service from enjoying the rights and privileges conferred to all workers by this Act. Scholars argue that the rationale for this arrangement was the need to protect the white public service bureaucracy inherited from the pre-independence period who wanted to be granted constitutional protection from the black majority in parliament. This was so since the constitution needed a two-third majority to be amended of which the former colonial settlers had enjoyed entrenched veto power.

After a string of strikes that rocked the country in the 1990s, the government was forced to revise the Labour Act. Accordingly, section 3 of the Labour Relations Amendment Act of 2002 applied to 'all employees including members of the public service...'. However, the Labour Amendment Act of 2005 came and completely wiped out all the benefits previously afforded to public sector workers.

The specific provisions of this Labour Act read:

- This Act shall apply to all employees except those whose conditions of employment are otherwise provided for in the constitution.
  - For the avoidance of any doubt, the conditions of employment of members of the Public Service shall be governed by the Public Service Act (16:04).
- The reason given for this arrangement is that there are notable categories of public service employees like teachers who the state feel if treated like any other employee may lead to crippling strikes as these groups wield much influence in the society. Generally providing democracy to public service employees is seen by the state as a way to undermine its existence and influence.

Having been plucked out of the umbrella Labour Act of the country, Statutory Instrument 45 of 1998 was called to hound unionisation among government employees. This instrument which contradicts the ILO Convention 87 of 1948 (freedom of association and protection and the right to organise) as well as Convention 98 of 1949 (the right to organise and collective bargaining) specifically deals with formation of workers' representative bodies. The Instrument categorically states that the PSC does not deal with trade

unions but with associations.

As if that was not enough, associations are supposed to be registered. Once registered, the association now falls under the supervision of a minister who has powers to overturn, suspend or vary the registration of any association. All these arrangements were meant to ensure that the state can interfere in the internal affairs of the workers' representative bodies and ensure that they don't threaten the state. This arrangement automatically put collective bargaining in jeopardy.

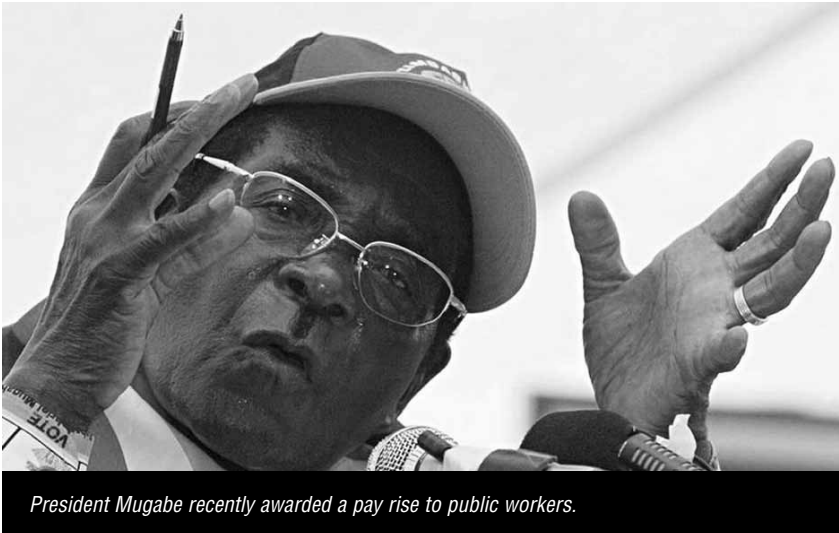
### STATE OF UNIONISM

One of the reasons why the public sector workers cannot fully engage and liberate themselves from the PSC can be attributed to the current nature of labour solidarity in the country. As the nation celebrated May Day this year, there were a record four federations.

The Zimbabwe Congress of Trade Unions (ZCTU) had two factions, one led by Matombo and the other led by Nkiwane, while the Zimbabwe Federation of Trade Unions (ZFTU) formed by the government towards the end of the 20th century to counter the activities of the ZCTU had its own offspring, the Mushandi Workers Federation (MWF). *Mushandi* means worker in Shona.

Like the ZCTU when it was formed in 1981, the ZFTU was government controlled. It is most probable that the MWF broke away after a failed attempt to rid the ZFTU from government control and influence. Interesting enough these federations do not consult each other on issues of economic interest, let alone the issue of civil servants' remuneration. They all engage in individual activities, much to the disadvantage of workers in the country.

Divisions that characterise the country's federations are also evident at union level. There are three unions that represent



*President Mugabe recently awarded a pay rise to public workers.*

teachers, each affiliated to a different federation. These are the Progressive Teachers Union of Zimbabwe (PTUZ), the Teachers Union of Zimbabwe (TUZ) and the Zimbabwe Teachers Association (Zimta).

Clerical staff is represented by the Public Service Association (PSA) and Civil Service Employment Association (CSEA) and lecturers fall under the College Lecturers Association of Zimbabwe (Colaz). These unions form the Apex Council, an umbrella body that represents workers under the auspices of the National Joint Negotiating Committee (NJNC) to review civil servants' salaries and other conditions.

It is important to note that representation to the Apex Council is on a pro-rata basis, meaning that teachers' unions have more representation. Currently, Zimta's membership stands above 40,000 while PTUZ follows with more than 15,000. This may explain the reason why the media in Zimbabwe interchangeably use the word teachers to mean all civil servants.

Zimta and the TUZ are conservative and prefer a diplomatic approach, unlike the militant PTUZ. In fact, the latter was formed because of Zimta's

soft stance against the state. Representatives of these unions are known to issue contradictory stances regarding the Apex Council position. This is likely what characterises their stand points when they sit to negotiate at the NJNC.

#### **PUBLIC SECTOR BARGAINING**

In simpler terms, collective bargaining is a process of negotiation between employees and employers for the improvement of wages and working conditions. Unlike consultation, collective bargaining assumes willingness on each side to listen and consider the representations of the other. Moreover, collective bargaining agreements should bind the signatories thereto and those on whose behalf the agreement is concluded. The major objectives of collective bargaining include setting of working conditions and other matters of mutual interest between the employer and the employees and promotion of workplace democracy and employee participation in managerial decision making.

In Zimbabwe, civil servants are represented by the Apex Council, which is made up of all labour organisations that represent government workers. The council

seat at the NJNC with the PSC, representing the employer.

Unfortunately for civil servants, the Apex Council is an old structure incapable of collective bargaining as it is understood labour law. In terms of the Public Service (Public Service Joint Negotiating Council) Regulations, 1997 or Statutory Instrument 141 of 1997, what it does is merely to consult. Agreements reached between government and workers' representatives are not binding on the government. This scenario obviously exemplifies the Apex Council as collective beggars' and not collective bargainers.

Being aware of their predicament, the Apex Council has seldom appealed to the prime minister or the president. While the call to the prime minister yielded nothing, the president responded positively by awarding the government workers a pay rise. During his independence speech this year, the president even apologised to teachers (the majority of civil servants) for the poor salary. It's important to note that the president's office determines the increment and it's not negotiated with the Apex Council.

In addition to their inability to engage their employer like any other employee representative body across the globe, as per the requirements of ILO standards, civil servants are also faced with another constrain, the economic situation in the country. The economy has not fully recovered from the hyperinflation period.

On numerous occasions the Minister of Finance, Tendai Biti, has argued against increasing civil servant salaries. His main argument is that the state does not have the resources to finance the salaries' bill, which gobbles more than 63% of the country's budget. Wielding his neo-liberal belief of how to resuscitate the

economy, Biti has proposed the freezing of civil servant salaries, among other austerity measures.

The president also added his voice to Biti's claim, albeit by blaming the United States and the Western powers for the country's poor revenues.

### GHOST WORKERS

A public service audit late last year revealed that among the state's more than 235,000 workers 75,000 are ghost workers. These are believed to be Zanu PF militia who have been included in the government payroll as 'a thank you from the party' for their enormous support during the 2007 election that led to the birth of the Government of National Unity (GNU).

Surprisingly, the parties to the GNU who are responsible for addressing such issues have been silent since the discovery of the ghost workers. Organised labour on the other hand never organised a protest march to force the GNU to have the ghost workers removed from the payroll.

As if that was not enough, government departments are characterised by misappropriation of state-funded consumables such as stationery, tools, foodstuffs, and the like; to falsified expenditure claims, and to abusive and unauthorised usage of state assets, such as usage of motor vehicles and state fuel for private purposes. If the state can vigorously contain the massive revenue losses occasioned by such corrupt actions, doing so would enhance the revenue and, therefore, the ability to pay greater remuneration to the state's employees.

Another issue that baffles the mind pertains to the opaque nature of diamond revenue from Marange diamond fields. Unfortunately for government workers and the people of



Public servants on strike for better wages in Zimbabwe.

Zimbabwe, funds from the diamond fields are kept in a separate account, known to senior Zanu PF officials. Partners to the GNU are just silent on the issue, so are civic groups among them the trade union federations.

Actually labour has been absent from the public arena since 2006 when state agents violently dispersed peaceful marchers. When it comes to the issue of civil service salaries, Biti has always maintained that funds from diamond proceeds be deposited in the Treasury, but no one gave heed to the call. In fact the first increment that was awarded to civil servants early this year has since been paid. Maybe civil servants are continually begging the president knowing that he will give them an increase from an unknown source.

### CONCLUSION

Organisations representing civil servants have limited or no capacity to influence government on issues of labour, working conditions and salary adjustments. The mandate of existing organisations as per Statutory Instrument 141 of 1997 is limited to advising government on professional matters rather than labour issues.

Realising their predicament that they cannot influence their employer's position, the workers' representative bodies thought it wise to beg the head of government to intervene. They actually expressed confidence that he was on their side. Interesting enough they will simply go by his decision. That's the nature of collective bargaining for civil servants in Zimbabwe.

Worse still labour is passive. There is no one to challenge the state on critical issues that affect the economic and the living conditions of the general populace. The GNU is reluctant to implement the public service audit that unearthed 75,000 ghost workers among civil servants. These continue to fend on the taxpayer's funds with no deterrent. As if that was not enough, Zanu PF controls revenue from the Marange diamond fields. This is the revenue that could have been instrumental in resuscitating the economy. However, not even a single resident of the country is willing to tackle GNU over this issue, let alone civil servants. <sup>LB</sup>

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