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DISCUSSION PAPERS

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**Workers' Participation,
Collective Bargaining and
Tripartism in Formulation
of Employment Policies in
Tanzania, Zambia and
Zimbabwe**

Arnold Elson Sibanda

8



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DISCUSSION PAPER SERIES

Number 8



**WORKERS' PARTICIPATION, COLLECTIVE
BARGAINING AND TRIPARTISM IN THE
FORMULATION OF EMPLOYMENT POLICIES IN
TANZANIA, ZAMBIA AND ZIMBABWE
(An Introduction to Comparative Labour Relations)**

by

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PART I
THE TANZANIAN EXPERIENCE

TANZANIA

Brief Historical Background to the Development and Organisation of the Labour Movement in Tanganyika

In Tanganyika, the penetration by German capital led to the dispossession of peasants of their land. The fertile upland areas were carved out into plantations on which the Germans periodically forced African peasants to work.

It was after World War II that African peasants were transformed into a stabilized wage labour force from an unstabilized mass of semi-proletarians who were mainly "target workers" (Sibanda in Chevo and Sibanda, 1984: 4). This was due to the accelerated development of capitalist economic forms in the colony. Mihyo says:

.... between 1920 and 1930, the economy witnessed a shift from predominantly peasant production to a plantation economy with the introduction of cash crops..... There thus emerged a people employed on plantations - mainly sisal, coffee, rubber and groundnuts - forming a pioneer labour force which increased as the plantation economy expanded (Damachi *et al*; eds. 1979: 240).

By 1931 the workforce in Tanganyika, comprising all sectors: Government, plantation agriculture, mining, transport (rail and road), simple manufacturing, building and construction and commerce, etc. reached a total of 455 395 (Sibanda, *ibid.*, 6).

This expansion and the accompanying problems between labour and capital spurred the colonial administration to evolve a machinery to regulate industrial relations. A Manpower Commission was set up in 1951 to look into labour conditions and recommend systems of payment and means to increase efficiency and productivity. The Report of the Commission cited low wages and lack of incentives (food and leave) as causes of low productivity (Damachi, *ibid.*, 242). The outcome was the passing of two laws, the Minimum Wages, Terms and Conditions of Employment Act, 1953 and the Employment Ordinance of 1955:

The former Act set up minimum wages and collective bargaining from plant level with 'works committees' to 'joint consultation councils' of employers and employees. Thus the institutional framework of works committees and works councils are products of workers' struggles and intervention of the state long before Independence (Sibanda, *ibid.*, 8).

The latter Act set out minimum standards of employment including medical examination and facilities, control of juvenile labour, provision of food, housing, etc.

The trade unions had come into existence spontaneously between 1947 and 1950 but were then repressed by the colonial state. By 1953, they were recognised both *de facto* and *de jure* with a machinery for their regulation and control in place. A Trade Union Ordinance was passed, outlining the procedure of *forming* and *registering* unions and providing minimum standards in their *functioning*, especially as regards their *finances* and their participation in *collective bargaining* (Mihyo in Damachi, *ibid.*).

The Ordinance set up a Trade Disputes Settlement machinery for handling industrial conflicts at all levels. The first national trade union movement - the Tanganyika Federation of Labour (TFL) - which was an umbrella body of all unions formed autonomously between 1946 and 1955, was formed in 1955. The labour struggles themselves predate formal labour organisation but:

The basis of trade unionism was laid in a major strike of dockworkers in Dar es Salaam in September 1947 (Friedland in *Vuta Kamba*, 21).

By the time of its registration the TFL had 17 registered unions affiliated to it.

The colonial state's rush to regulate and control the trade unions at their birth was due to a desire to stem the possible fusion of the economic struggle with the political struggle. The TFL was formed one year after the formation of the nationalist political movement - the Tanganyika African National Union (TANU). Though the colonial authorities would have wished otherwise "... there existed a close symbiotic relationship between them (unions) and the political movement" (Friedland, *ibid.*, 116). Mihyo confirms this co-operation by documented cases (Damachi, *ibid.*, 243). Shivji argues that the workers' wave of strikes organised around the TFL during the 1950s was probably instrumental in bringing about independence (Shivji, 1976: 52). President Nyerere is said to have seen the trade unions as the "industrial wing of the nationalist movement" (*ibid.*). Friedland also notes that Nyerere considered TANU and TFL as the "two legs of the same nationalist movement". In fact, although after a bitter struggle, in 1961 the TFL won the right to be represented in the TANU National Executive Committee.

Post-Independence Labour Relations Development, Workers' Participation and Collective Bargaining

The first thing to note in the onset of independence is the development of a "divorce" in the marriage between trade unionism and politics. In the post-1960 period, the co-operation between the labour movement and the political party then in power, deteriorated. In 1961, the then Prime Minister, Julius Nyerere, called for a continuation of the fusion. However, the TFL was split over the issue. Some labour leaders feared the possible "encapsulation" and consequent "weakening" of the labour movement by the post-colonial state.

The split in the labour movement over this issue deepened and rendered the industrial relations machinery toothless. Apart from this dispute over the relationship with the state, the unions clashed with the state over the question of the issue of the Citizenship Bill and the Africanisation question. Politics came to heavily sway some union leaders, and splinter unions developed. The state appointed a Commission of Inquiry whose result was the Trade Union Ordinance (Amendment) Bill of June 1962 which sought to extend government control over the labour movement.

This state intervention was really not in the interest of labour but of stabilising capital. Only the Labour Commissioner had powers to allow or disallow affiliation to the TFL or to dismiss a union from this federation. The aim was to preserve agreements between employers and employees.

Labour's resistance to what it saw as encroachment on its rights increased Some union leaders intensified calls for speeded Africanisation. In March 1962 the government set up an Africanisation Commission in an attempt to speed up the process, but the pace was slow due to the policy of 'reconciliation'. Strikes were called. Threats to take over factories and plantations were made. In 1964 the government decided to disband the Africanisation Commission. The Army mutinied (Sibanda, *ibid.*, 21).

True, the mutinous soldiers' demands converged with those of the trade union movement - AFRICANISATION. This gave the post-colonial state a golden

opportunity to deal with the labour movement decisively.

After the dust of the mutiny had settled, the TFL was dissolved and disbanded. Some experienced leaders of the union movement were incarcerated while others were rusticated by the President of the Republic (*ibid.*).

In place of the TFL was established the National Union of Tanganyika Workers (NUTA) by the passing of *NUTA Establishment Act No. 4 1964*. Friedland says the creation of NUTA "marked the end of autonomous trade unionism in Tanganyika" (Friedland, *ibid.*, 23). The NUTA Act consolidated all unions under one union. The various organisations in agriculture, domestic, industrial, general and civil service became simply branches of one union. It was as if Tanganyika was one big industry (Sibanda, *ibid.*, 22).

Shivji asserts that the labour movement was taken over by the ruling "bureaucratic petty bourgeoisie": "NUTA came virtually under control of the government and was also affiliated to the Party" (Shivji, *ibid.*, 28). The unions had lost the battle to remain autonomous. Among some of the functions of NUTA was the requirement "to implement and propagate the policy of the ruling party" (Sibanda, *ibid.*). Mihyo says from 1964 onwards, the labour movement became one of the state institutions "for national development" (Damachi, *ibid.*). Trade unions were to be more "productionist" than "consumptionist". To sum up the full control of the labour movement by the state, Kapinga says:

Top leaders of the new union were Presidential appointees. Throughout its life, the General Secretary of the union was also a Cabinet minister responsible for labour matters. The President was empowered by the law to dissolve ... the union if in his view it did not serve the purpose it was established for. Union members themselves were deprived of the legal power to dissolve the union or to make provision for its dissolution (in Shivji, ed.; 1986, 90).

Autonomy, democracy and control of the workers' movement by workers themselves was now a thing of the past. But more seriously was the collective bargaining situation. Kapinga continues:

At the level of collective bargaining, the rules of the union, which incidentally wholly undermined the traditional trade union role in this area, provided for the manner in which trade disputes were to be handled. In the event of a dispute at the place of work, union members had to report the matter to the Branch Secretary who subsequently had to submit the full facts and issues involved ... to the Executive Council through the office of the General Secretary of the Union. The Union rules made it categorical that in no case was the cessation of work to take place or be threatened without the sanction of the General Council. The General Council itself was barred from sanctioning or proposing any strike action in respect of any trade dispute without exhausting the procedures laid under the Trade Disputes (Settlement) Act, 1962 (*ibid.*, 90-91).

However, this bureaucratic emasculation notwithstanding, the workers still tried to press their traditional demands for improved pay and conditions of work. But, in 1967, on the recommendations of the ILO's Professor Turner, the state enacted more legislation to tighten control of trade unions. A Permanent Labour Tribunal was set up by Act of 1967. It replaced the 1962 Trade Disputes (Settlement) Act. The tribunal was to act as the highest organ of dispute settlement and was a machinery for controlling the increases in wages. Shivji notes that the 1967 Act "made strikes virtually illegal and no agreement between the union and the employers was binding unless it is registered by the Tribunal" (Shivji, 1976: 128). A system of compulsory arbitration was thus in place. The procedure of dispute settlement became excessively bureaucratic and dominated through and through by state appointees (see Shivji, *ibid.*; Kapinga in Shivji ed. 92-93; Sibanda, *op cit.* 24-26).

The establishment of the Permanent Labour Tribunal (PLT) deprived NUTA in a subtle way of its

important role as a trade union in collective bargaining in respect of wage increases and better employment conditions (Kapinga, *ibid.*).

In 1977 TANU and the Afro-Shirazi Party of Zanzibar merged to form Chama Cha Mapinduzi (CCM) - with the merger of Zanzibar with mainland Tanganyika to become today's Tanzania. NUTA was transformed into a mere "mass organisation" of the Party under the name of Jumuiya ya Wafanyakazi wa Tanzania (JUWATA), a workers' mass organisation affiliated to CCM, the ruling political party. The JUWATA Act of 1979, introduced retrospectively to 1978, made the union the sole representative of all employees in Tanzania. The Act curtailed the freedom of the union's members by making it impossible for them to provide for the union's dissolution if necessary.

The selection of the union's leaders is done from outside the union. The Secretary-General and his deputies occupying executive positions in the union are appointees of the Chairman of CCM, who (until Nyerere's retirement) was also President of the Tanzanian state (Kapinga, *ibid.*, 94).

The trade union became a virtual government department with enormous powers of the Head of State over it.

Collective labour action was controlled by the PLT Act. Another law was passed to control individual labour action, the Security of Employment Act of 1964, operative in 1965. It legislated on individual grievance settling procedure and barred the employer from summarily dismissing an employee or taking disciplinary action on him. However, Kapinga shows that up until 1975, the powers of the employers to "hire and fire" at will had really not been tinkered with. In 1975, an amendment provided for dismissal subject to appeal by the employee. In practice, however, even this was circumvented since the President of the Republic had powers to dismiss anyone employed in the service of Tanzania (*ibid.*, 94-95).

More disturbingly, the Security of Employment Act became more of a disciplinary machinery than a workers' protective instrument. Worse than this, it provided that disciplinary disputes should be heard in camera and not necessarily in the courts of law. This destroyed possible publicity, fairness and possible solidarity among employees. Collective bargaining is thus seriously curtailed in Tanzania (*ibid.*). The architects of this state of affairs were quite clear that the mission was *to create a favourable environment for investment and ensuring of productivity.*

This exposure of labour to near-slave conditions is worsened by the existence of a more devastating piece of legislation requiring the use of labour, the so-called Human Resources Deployment Act No. 6 of 1983. Kapinga says:

This Act has unique parallels with the colonial Labour Utilisation Ordinance, 1947 cap. 243. The 1983 legislation repeals the 1947 Ordinance, but declares all the regulations made under the Ordinance to continue in force as if they were made under the present law. The 1947 Ordinance was passed at the height of labour crisis which continued after the second imperialist World War of 1939 to 1945. The Ordinance set labour utilisation boards in an effort to secure the employment of available resources of native labour in the interest of colonial enterprises (Kapinga, *ibid.* Note 3: 104).

In conditions of economic crisis, the freedom of labour to choose and control the conditions of its employment becomes a luxury. Near-slavery conditions are reverted to by state and capital. Collective bargaining and workers' participation simply become empty catchwords. Of the 1983 Act, Kapinga correctly notes thus:

The vagaries of Tanzania's dependent economic formation have compelled the state to enact a law which appears to be a reversion to the colonial labour utilisation system. The legislation is aimed at deploying labour with a view to compelling all able-bodied persons to engage in productive employment in the so-called economic interests of the nation. For the better operation of the Human Resources

Deployment Act of 1983, the notorious vagrancy provisions of the penal law have been amended to enlarge the category of so-called 'idle and disorderly persons' who are now liable to be deployed. The state has also recently introduced personal tax dubbed 'development levy' on all adult citizens. Not unlike the colonial 'poll tax', this levy is presumably calculated to compel the unemployed to offer their labour to capitalist farming concerns whose development is clearly being encouraged by the state (*ibid.*, 87-88).

With the current programmes of liberalisation and structural adjustment, further negotiations to devalue Tanzania's currency - devaluation of a national currency devalues the labour power expended in the making of the nation's wealth, etc. and with no meaningful participation of the workers in all this, it can only be concluded that the current situation presents a nightmare for both employed and unemployed labour. There is no alternative to the increased fight for democracy, justice and the right to be consulted.

PART II
THE ZAMBIAN EXPERINCE

ZAMBIA

Brief Historical Background to the Development and Organisation of the Labour Movement in Zambia

As in Tanzania (and as we shall see also in Zimbabwe), the development of the labour movement in Zambia was the outcome of the development of the capitalist economy. Because of its dire need to effect primitive accumulation, the colonial capitalist economy depended more on a cheap and readily available labour force than on a stable, urban and resident one. In other words, the economic system preferred a migrant labour system. In fact, the colonial government in Zambia rejected labour urbanisation and permanency in the period 1924-1940 (Chevo & Sibanda, 1984: 2).

What the colonial government feared nevertheless developed, and that was a labour movement with the goals of fighting for better wages and improved working conditions.

Zambia's economy was/is dominated by mining, particularly copper mining. This explains the fact that a strong labour movement emerged from the mining industry and quickly spread to other sectors of the economy.

Six factors must be noted with respect to the staged development of the Zambian labour movement in the early period 1924-1940. The first stage saw the dominance of three factors:

- the harsh conditions at work especially in mining
- low wages
- lack of African advancement (i.e. defusion of pro-white labour racialist practices).

The second stage had the influence of the following factors which were themselves developing from the above three:

- the early industrial conflicts
- the racial nature of the political system
- the growth of nationalism and political campaign for Independence.

All the above played an important part in laying the foundation for formal labour organisation (*ibid.*).

When the colonial administration took control of Zambia from the BSA Company in 1924 the economy was still predominantly characterised by rural subsistence cultivation. The coming on to the scene of two major organisations of capital, the Selection Trust and the Anglo American Corporation (AAC), signalled the start of significant copper mining in the years 1928-1930. The Copperbelt came into existence with such mines as Mufulira, Nchanga, Nkana and Roan - all centred around it. This development led to the growth of a wage-earning labour force numbering up to 21 000 in 1929 and 29 000 in 1939 (*ibid.*, 4). The mining sector now had one-third of the total labour force.

A small but significant white labour force was attracted to the mining sector as well. It was a privileged labour aristocracy in terms of its pay and conditions of work as

compared with the African labour force. The mining sector depended on skilled expatriate labour (Daniel, 1979: 163):

The Africans worked under harsh conditions and reports and commissions of the 1930s bear testimony to this: 'Poverty and a harsh struggle to provide even the barest necessities of life were thus a constant feature of the average African urban worker ...' (*ibid.*).

These harsh conditions of work, racial division of labour, and unfair pay differentials became a major grievance which led to the early industrial action by African labour. The miners put up industrial action in the strikes of 1935 and 1940 which were marked by their organised manner of protest and violence. Though predating the formal organisation of labour, these strikes signalled the graduation of the workforce from objective, spontaneous and individual upheavals to subjective collective effort to solve industrial problems. Leaders of labour emerged from the objective situation, bypassing the atavistic Tribal Elders System imposed by the colonial administration to be a channel of communication between labour and capital.

From the Tribal Elders System evolved the Urban Advisory Councils of 1938, the Boss Boys and the Workers' Committees which all had the mission of maintaining industrial peace via tripartite communication involving mining capital, the colonial state and African labour. Labour was the disadvantaged partner in the triumvirate insofar as the machinery established was imposed by the other two.

By 1940, mining labour had come to see itself objectively and subjectively as a proletariat. Ethnic and regional loyalties were treated as secondary when the workers' leadership question was at issue. The trade unions formed during the colonial period saw their role as one of raising wages and improving working conditions through collective bargaining and, if necessary, through strike action (Chevo & Sibanda, 1984:6).

The strikes which occurred in 1956 were a watershed dividing the period of trade union development and that of trade union control by the state via the instrument of legislation. The 1957-1964 period was one of much union activity as the colonial state was gearing to build an elaborate industrial relations and conciliation system. The early part of the 1960s saw the mushrooming of African trade unions engulfing several sectors of the economy apart from the union-springboard sector, the mining sector. In 1964, there was a total of 29 unions with membership totalling 101 654, a total which was just over half the total labour force in all industries of the economy! (*ibid.*).

The Workers' Movement, Workers' Participation and the State

The colonial state intervened in industrial relations by use of the law but still trying to retain the fundamental principles of freedom of association, the right to collective bargaining and, in certain circumstances, to resort to strike action. Such early instruments of labour control as the Employment of Natives Ordinance of 1929, the Industrial Labour Advisory Board of 1935, etc, were precursors to legislation for the control of trade unions which was introduced in 1949 with the enactment of the Trade Disputes and Trade Unions Ordinances. The amendments to the Trade Unions Ordinance in 1956 and 1958 made the registration of trade unions compulsory and extended government control, especially over union finances and introduced a mandatory secret strike ballot. Conciliation and arbitration procedures were, however, voluntary (*ibid.*, 6).

Post-independence labour legislation sought to remove racial discrimination in employment and set up minimum conditions of employment and improved wages. Such was the objective of such instruments as the Apprenticeship Ordinance of 1964, the new Employment Act of 1965 and the Factories Act of 1966. The employment of women, young people and children was administered by new amendments.

Post-independence legislation also sought to regulate trade unions and union leaders. Between 1964 and 1974, labour legislation was patterned on the Industrial Conciliation Act (ICA) and the Trade Disputes Ordinance which originated from colonial legislation. With minor changes in the conciliation process, there was extension of government control over unions. Unions were prohibited from receiving foreign assistance without ministerial approval. The ICA even established the Zambia national centre - the Zambia Congress of Trade Unions (ZCTU) - which was given power over unions.

In 1971 a new law was passed - the Industrial Relations Act (IRA). Although officially cast as a restructuring of industrial relations via introducing workers' participation, Chevo concluded that:

The most significant changes relate ... to government regulatory role in industrial relations. The conciliation procedure became mandatory and procedures for dispute settlement were laid down in law. Industrial agreements were to be submitted for approval to the Industrial Relations Court. Joint Industrial Councils were required by law in each industry. The ... Court was a significant development and the right of workers to strike was recognised but restricted by the extension of the definition of essential services. The Act therefore increased government control within the framework of existing industrial organisation. Thus the colonial and post-colonial periods demonstrate a consistent trend towards increased government control of trade union activity and government intervention in industrial affairs, while also maintaining freedom of association, the right to bargain collectively and, in certain circumstances, to withdraw labour (*ibid.*, 11).

Also, the final version of this Act showed the greater power of capital over that of labour in terms of influencing the state. This is clearly seen on the question of workers' participation. Gertzel notes that the Act:

provides in Part 7 for the establishment of a Works Council in every undertaking of a hundred or more employees. Such Works Councils would consist of three to 15 members, two-thirds employees' representatives and one-third management. Councils' functions include participation in all health and welfare schemes operated by the undertaking; and they must be consulted on all schemes concerned with medical, housing, recreational and pension arrangements. They must be informed of all management and personnel decisions (including those on investment policy, financial control, distribution of profits, economic planning, wages policy and the appointment of senior management executives). They must approve management decisions on personnel and industrial policy. The provisions as they emerged in the legislation were, in fact, a considerable modification of the original proposals, which had, *inter alia*, made Works Councils solely employees' bodies, and which had given them considerable control over day-to-day decisions on personnel and industrial policy. The changes suggested that employer influence (exerted through the Zambian Federation of Employers) and official thinking from the department had been stronger than that of the employees and the ZCTU" (Damachi *et al*, *ibid.*, 351).

Cutting a long story short, the labour movement in Zambia has remained weak, weakened on the one hand by its own internal problems and leadership disputes and on the other by state paternalism which not only set up a national centre but also appointed its first leadership and continues to influence this aspect to date. The leadership becomes more and more remote from the rank and file, the rank and file give little credence to a national centre over which they have no control. Larger unions like those in the mining and railway undertakings have resisted giving up their autonomy and be subordinated to the national centre which they correctly see as too subordinate to the government and political party.

Indeed, the ZCTU was affiliated to the United National Independence Party (UNIP), the ruling political party in Zambia, in 1971. The state assured its control over the labour movement by control of the leaders and by direct government regulation of industrial affairs. The Minister of Labour even unilaterally effected changes in the ZCTU's Constitution following the Mwendapole recommendations (See Mwendapole Report, 1972, 13). Chevo says:

Government has not hesitated to use its powers of detention to check union disputes as shown by its action in the Mineworkers Union disputes in 1971 and 1975 (*ibid.*, 18).

The central issue is really one of government's wish to control potential sources of opposition. Thus, at lower or local levels, tension is the order of the day between the party and its government officials on the one hand and union officials on the other. The President of Zambia's overwhelming intervention also weakens the labour movement and its effective participation and defence of workers' interests.

The President of the Republic has always wanted to maintain political control and, since independence, has adopted an increasingly interventionist role. He criticised trade union leaders who were allegedly challenging the nationalist interest. He has extended his personal influence to prevent industrial conflict and to mediate between employers and employees. The President has also taken a lead in urging society to recognise the dangers of rural-urban inequality and of the creation of the two classes, the urban wage earners (the rich) and the subsistence farmers (the poor) (*ibid.*, 19-20).

Worker's Participation, Collective Bargaining and Tripartism in Policy Formulation on Employment under Conditions of Economic Crisis

Like many of sub-Saharan African former colonies, the Zambian economy remained unstructured from its colonially carved export-oriented mono-cultural pattern, heavily dependent on copper exports. This economic system fell into crisis in the mid-70s when copper prices fell on the world market, never to recover again. The economic problems facing Zambia from that time onwards have been dealt with elsewhere (see Sibanda, 1987). Suffice it to say here that these problems forced the country to allow international finance capital, represented by the IMF and the World Bank, to experiment with their programmes of liberalisation and structural adjustment which included the auctioning of Zambia's hard-earned forex resources from October 1985 to its abandonment in April 1987.

Under conditions of such liberalisation, workers' participation becomes nullified even more while collective bargaining and tripartism become empty catchwords. IMF and World Bank programmes always get adopted after long secret consultations between state and capital only, with labour being at the sorry receiving end. National Development Plans and official development programmes, and even employment policies - on whose formulation labour is rarely ever seriously consulted anyway - become dead letters. In the implementation of IMF and World Bank *rescue experiments*, employed labour suffers while unemployed labour's hopes for a job painfully fade away.

In Zambia, the deterioration of the position of employed labour was seen in the effects of the IMF and World Bank's programmes during the period of forex auctioning.

... one item in the IMF's package for restructuring Zambia's economy was reduction of costs of production. The consequence of this rationalisation of costs was retrenchment of thousands of workers. During the auction period the state dismissed 5 000 of its employees, being part of heavy cuts in the civil service which included also thousands of teachers. Zambia Consolidated Copper Mines Ltd

(ZCCM) dismissed about 5 250 workers between June 1985 and August 1986, while other companies had dismissed over 4 231 by mid-1986! The state having been demobilised from control of economic activity and surrendered its power to the dictates of so-called market forces... could no longer protect the jobs and the lives of its citizens. Mr Chiluba, Chairman-General of the ZCTU, declared: 'Job security became a nightmare for the workers!' (Sibanda, *ibid.*, 18-19).

The point to make in conclusion is that state paternalism weakens the labour movement and emasculates its participation, its bargaining power and its general power in the tripartite power structure comprising the state-labour-capital triumvirate. Under conditions of economic crisis, the more powerful social force - capital - has greater leeway and influence on the state to the detriment of labour. It is important, therefore, that labour fights for an end to state paternalism, for democracy and participation by labour in policy formulation and for open involvement of labour in the drawing up of economic programmes including employment creation and expansion. National Development Plans or "stabilisation" and "economic reform" programmes should be more a product of national consultation involving labour rather than impositions instigated by international finance capital.

PART III
THE ZIMBABWEAN EXPERIENCE

ZIMBABWE

Evolution of the Zimbabwean Industrial Relations System in the Pre-Independence Era

The tracing of the evolution of an industrial relations system must be done in the context of the evolving political economy. This is important because, as Sachikonye declares:

The substantive character of the industrial relations of any society reveals the salient aspect of the dominant social and political relations which underpin its development. Such relations determine and underlie the 'capitalist', 'social democratic' or 'socialist' character and direction of that society. Thus, state, capital and trade unions play significant roles in varying degrees in the determination and modification of industrial relations and ultimately the social and political relations in society (in Mandaza ed.; 1986:243).

The entry of the British South Africa Company's (BSAC's) Pioneer Column into the territory later known as Southern Rhodesia, and later Rhodesia, and still later Zimbabwe-Rhodesia and finally Zimbabwe, in 1890 signified the formal inauguration of the "free enterprise" system as the one system ascending to dominance in the political economy. The BSAC entered with monetary wealth which had to be transformed into capital. As the penetrated social formations were based on production systems which required the unity of the direct producer with the means of subsistence, particularly land, this conflicted with the requirements of the incoming system which required the severing of this unity in order to build a class of dispossessed direct producers having no option but to sell their labour power to capital. I have dealt with the essence of this process in a critical essay in the *Zimbabwe Journal of Economics* (ZJE) (Vol. 1, No. 2, January 1985). The difficulties encountered by capital in building up this pool of dispossessed labour are also discussed in the National Trade Unions Survey (NTUS) 1984, where it is said:

Capitalists needed a large pool of direct producers separated from their means of production to function as wage labourers turning the accumulated monetary wealth into capital. By 1902 mining capital was facing a reproductive crisis which led to a crisis of mining in 1903. This crisis was basically a labour crisis. The reconstruction of the mining industry then depended on the solution of the labour problem (*ibid.*, p.12).

Mechanisms were then adopted with the intention of turning peasant producers into wage labourers. By 1894, a hut tax had already been introduced forcing the indigenous population to seek work for wages. Agricultural policies were institutionalised with instruments such as the Maize Control Acts and other measures to "reservise" peasants into barren soils and strangle their agricultural production (*ibid.*).

It was precisely the mechanisms of expropriation, of turning the peasant producers into wage labourers; the imposed tax systems, the forced labour (*chibaro*) system (see Van Onselen, 1976), the land and livestock expropriation, etc, which led to the war that overthrew the Ndebele State in 1893 and the resistance struggles of 1896 and 1897.

However, no formal organisation of labour emerged in this period. In fact, just after World War I, all that could be observed were emerging associations and organisations spearheading protest and putting demands for involvement in the

ruling process. These organisations of protest were not strictly working-class organisations.

I have indicated elsewhere that as early as the late 1890s and early 1900s, the nascent African middle class formed organisations like the Rhodesia Bantu Voters Association (RBVA), the Rhodesia Native Association (RNA), etc., which fought mainly for the interests of the small urban-based elite and, in a limited - perhaps even residual fashion - articulated the interests of the working population as well. (*Journal on Social Change and Development (JSCD)*, No. 10, 1985:1).

However, it must not be assumed that because the working population did not at this time build their own strictly working class organisations, there were no struggles or resistances by the working class as such. Two historians in particular have highlighted the importance of taking note of this fact (C. Van Onselen, *ibid.* and I.R. Phimister in Phimister and Van Onselen; Mambo Press, Gwelo, 1978). Phimister writes:

Until recently, however, academic observers of Southern Rhodesian labour history were unanimously of the opinion that the African worker consciousness first began to manifest itself primarily in the 1920s. These interpretations, which assumed that the consciousness of African labourers should be assessed largely through the presence or absence of associations and organisations which manifestly articulate worker interests, have now been systematically exploded by Van Onselen's thorough analysis of black responses and strategies in the Southern Rhodesian mining industry between 1900 and 1933 (Phimister and Onselen, 1978:23).

In fact, the problems which emerge here usually arise from the orthodox analytical paradigms adopted which invariably take the ideal types of advanced West European socio-economic formations and measure the social processes of "backward countries" using these ideal types as the yardsticks. The presence or absence of formal labour organisation as in the West becomes an ingredient signifying the presence or absence of "working-class consciousness and struggle". That this consciousness and struggle may appear in many forms and guises, submerged or articulated in a complex - perhaps even *marginal* - way within the discourses of struggle of the several classes and strata under colonial or "backward" conditions, inevitably escapes the eye of the orthodox analyst. Correctly, Wood has emphasised that:

The study of trade unions in 'the complex organisational and institutional realities which lie between classes and the state' is compounded by the fact that 'industrial relations' theorists, whether Marxist or otherwise, have usually delimited variables through assumptions based on an advanced capitalist, developed nation-state society. For emergent nations on the periphery of world capitalism, where class and strata relations are usually more volatile and reflect a wider variety of non-capitalist processes, the existing theory is often misleading and can appear distinctly Eurocentric (Stoneman, ed; 1988:285).

Resistance by the working population took many forms in the pre-formal organisation period. Ordinary loafing, mindless labour, deliberate wastefulness, slow-downs, feigned illnesses, self-inflicted injuries, abuse of equipment, desertion, etc., were all resistance strategies employed at workplaces, particularly in the mines at this time.

With the further development of the "free-enterprise" system with its attendant contradictions between the two core social forces embodied in labour and capital, more formalised movements of the oppressed mushroomed around towns and mines. These took the form of ethnic-based associations, or religious and cultural movements. By 1922, the employer population was expressing concern that the "native societies" were a prelude to "undesirable" trade unionism:

Indeed, in 1927, the labour unrest caused by the intolerable conditions of work and life climaxed in the Shamva Mine Strike which mobilised some 3 500 workers. The workers were made up of disparate

social organisations such as dance societies; mutual aid associations and religious sects like the Watch-Tower movement. This event, lasting five days until crushed by the army, signalled that the non-workers' organisations had been a springboard for labour's organisation and struggle" (Sibanda, JSCD, 1985, *ibid.*).

However, the peculiarities of the development of colonial Zimbabwe's "free-enterprise" system imprinted an indelible mark on the development of organised labour. Arrighi has claimed that from the very beginning, the colony's political economy developed on the basis of very cheap black labour with "a skilled white aristocracy of labour" coming in only as a consequence rather than a precursor of this political economy's development (Arrighi, 1973 p. 338). The whole political economy and the consequent organised social forces therefore developed along very strictly "racial lines". The "white settler aristocracy of labour", for example, was the first to formally organise itself to confront capital under conditions of mining capital's attack on its standard of living when faced with economic crisis. The struggle of white labour taught it the lesson that it must, as it perhaps had the experience in its own home countries, organise itself. Thus, the NTUS notes:

... the attempt by mining capital to lower the wage bill after 1904 provoked a wave of strikes by labour which climaxed in the 1912 Wankie Colliery Strike. The state intervened on the side of capital by violence, arrests, flogging and dismissals of the strikers. By 1916, labour had learned to form its own formal organisations to confront capital. The first labour union, albeit of exclusively white labour, was formed ... the Rhodesia Railway Workers' Union (RRWU). This union expressed labour's concern about the rising cost of living and its formation triggered strikes over pay and conditions of work, payment of War II bonuses, etc. (NTUS, 1984:13).

When the RRWU called a strike in 1919, black railway workers came out in support in Bulawayo. However, white labour was not the first to confront capital by use of the strike weapon. This social segment was probably the first to do so with an organisation already in its hand. Wood claims that the first known strikes were by black miners outside Harare in 1895 (NTUS, *op.cit.*, note 15 p. 28).

Come 1927, labour's confrontations with capital and the State bring about formal organisation. Both the expropriation, repression and the influence of labour struggles with capital in South Africa, led to the formation of the independent Industrial and Commercial Workers' Union which was peculiar in that it was not based on the economic enclaves of mining, but on industrial and urban centres like Harare and Bulawayo:

Significantly also, labour had learned to organize both across ethnic and economic sectoral lines. Thus, at the time of its first conference in April 1931, the ICU had close to 5 000 paid-up members in 13 branches in the country. It had impressively organised workers in the agricultural, domestic, urban workshop, construction, commercial and mining spheres (*ibid.* p., 13).

The colonial state responded to this development with repression, incarceration of ICU leaders and banning of its meetings. This, together with shortcomings of ICU strategies, led to failures on the part of the labour movement. The World Depression also intervened to cow down workers' activism generally. The ICU declined as a workers' front and continued intermittent and localised operations until its demise. Its successes were really minimal:

The ICU, in fact, never developed beyond a vigorous protest movement for workers, it never organised a strike or union (Wood in NTUS, *ibid.*).

With the further development of the colonial free-enterprise economic system and its widening demand for skilled but cheap labour power, the white aristocracy of labour developed a fear of replacement by cheaper skilled black labour. This fear forced out a racist militancy of the white labour aristocracy which came to provide an important

internal social base for the colonial state. The state was forced to pass a Public Service Act banning blacks from employment in the Civil Service and other public projects. Again, having forged an alliance with the settler urban and agrarian social sectors, the white labour aristocracy forced the State to pass the Industrial Conciliation Act (ICA) in 1934 which formally recognised white labour as "a labour aristocracy", "the only labour force covered by the term 'employee' and able to engage in collective bargaining". Black labour, which remained mainly in the unskilled category, was covered by the notoriously racist legislation - the Masters and Servants Act, the Sedition Act and the Native Registration Act (*ibid.*).

The 1930s and 40s saw some significant developments in colonial Zimbabwe's political economy. A strong manufacturing sector developed under heavy state sponsorship. The Africans engaged in wage labour increased in number from 254 000 in 1926 and 377 000 in 1946 to 600 000 in 1956. Manufacturing experienced a boom which occurred at the same time as the growth of a secondary industry that was bolstered by the establishment, via strong State intervention, of an iron and steel and a cotton spinning industry (*ibid.*).

This development signified that the economic structure had new requirements and developments in the context of the productive forces. A stable, skilled and semi-skilled urban working class was an imperative for manufacture, while the encouraged capitalist agriculture required a large pool of unskilled labour in the tobacco and cotton plantations. Mechanisms were instituted by the colonial state to further proletarianise peasants and depress their independent productive activities.

In 1944, black labour formed its first industrial trade union, the Rhodesia-Railway Employees' Association (RREA), called "Association" because the Masters and Servants Act banned black trade unionism. In 1945 a Milling Employees' Association based in Bulawayo was formed (*ibid.*, 15).

The struggles of black workers, particularly the railway workers' strikes in the mid-40s, led to the setting up of Labour Boards which looked into working conditions, awarding minimum wages, overtime increases and longer holidays with pay.

However, repression of the workers' movement continued, yet it could not be possible to totally eliminate it:

While there had been concerted efforts to prevent trade unionism by legislation such as the ICA (1934) and the Native Labour Boards, the further development of the economy, and particularly the establishment - via state intervention - of a manufacturing sector and the struggles of workers, led to new requirements in state and industrial relations. The liberal bourgeoisie called for the inclusion of the African in the definition of 'employee' and the allowing of 'controlled' and 'non-political trade unionism'. The policies and programmes pushed were intended to create a pro-European 'native middle-class' which would lead the rest of the Africans and help to prevent anti-European nationalism (JSCD, *ibid.* p., 2).

Further struggles between labour and capital, particularly in the mining sector, brought about a new institution, the "Works Committee", as a vehicle for airing workers' grievances. "Mining capital saw the 'Works Committees' as useful instruments for controlling labour and adopted their use extensively in the mines" (NTUS, 16). Thus, as the struggles between labour and capital brought about new institutional structures, the continuing conflicts led to the transformation of these structures into instruments of control of labour by capital. This was true of both Labour Boards and Works Committees:

... the militancy of Bulawayo textile workers was tamed by the setting up of a Labour Board while a threatened strike by railway workers forced the appointment of an Arbitration Board (*ibid.*).

Trade Unionism and Nationalism

At the same time as the labour-capital struggles intensified, nationalism also grew. There was a clear fear on the part of the colonial state of a fusion between the "economic struggle" of the unions and the "political struggle" of the nationalists. But, in the 1950s, trade unionism and nationalism were so inextricably married that it is difficult to disentangle their development. African nationalist leaders like J. Z. Moyo, Reuben Jamela and J. T. Maluleke were at the same time executive leaders of trade unions. This fusion forced out even harsher state repression:

The labour movement suffered greatly from state repression. Some able and experienced labour leaders escaped to foreign lands or were detained. Between 1965 and 1971, state repression of trade unionism and nationalism intensified. But the trade unions, together with the other non-directly political African organisations, assumed a para-political character (*JSCD*, p. 2).

The union leaders came to see that to change the condition of the African worker the whole political structure had to be shaken. They thus addressed themselves to such issues as housing, education, residential segregation, Tribal Trust Lands development, the 1971 political settlement proposals, etc.

This alarmed the colonial state. Its Labour Minister, Ian McLean, declared in 1971 that:

When ... union officials ... choose to advise Government on how to do its job, or castigate the Government on political grounds, then I would suggest that sound principles of trade unionism are being perverted for what can only be described as ulterior motives (*ibid.*).

The Minister went on to attack a leader of the trade union movement, Phineas Sithole, saying:

His trade union position does not qualify him to represent the African people ahead of their elected representatives in Parliament (*NTUS*, p. 19).

The *NTUS* notes that the dimensions of the repression of labour are revealed in the dramatic decline of the number of work stoppages recorded by the Department of Labour from 138 in 1965 to only 19 in 1971 (*ibid.*). The problems faced by the labour movement included the following:

- the repressive labour legislation and the administrative operation - both coercive and covert - of the state apparatus;
- the opposition of highly centralized and well-organized employers' associations which enjoyed ready access to state representatives;
- the resistance of the racist white labour aristocracy;
- lack of a check-off system, therefore financial weakness;
- detentions and political harassment (*ibid.*).

The liberal approach of the 1950s was ended by the colonial legislation in the period after the Unilateral Declaration of Independence (*UDI*) by white settlers led by Ian Smith in 1965. Arrighi correctly diagnosed the demise of this liberalism whose politics, he says, "encroached upon the interests of those very classes on which manufacturing capitalism and its political counterpart still relied heavily both economically and politically" (*Arrighi, op.cit.*, 363).

In 1967, the ICA had been amended to make possible a blocking of foreign assistance to the union movement by the state. A later change had the effect of "removing the right to strike ... when the President is satisfied that a strike ... would prejudice the public interest," as the colonial Minister of Labour put it (NTUS, *ibid.*).

Indeed, there is no recorded legal strike since the passing of the ICA in 1959. The resistance and struggles by labour were dealt with by use of security legislation and emergency powers, e.g. the crushing of work-to-rule by rail workers in 1969 and the bus drivers strike in 1972 (*ibid.*).

However, though mainly defeated and weakened by state-cum-capital repression, the trade union struggles fused with nationalist struggles for independence and the repression of the economic struggle of the unions equally fused with the repression of the political struggle of the nationalists. The analysis and conclusions of the NTUS and Wood are proper in this context:

That the state repression was clearly aimed at defeating the labour movement is seen in that persons who were convicted under the arbitrary Law and Order (Maintenance) Act or the Unlawful Organizations Act to a prison term of three months or more were debarred from holding union office for seven years.

It should be fair to conclude that the early struggles of labour, and their formalization into workers' unions, gave rise to a dramatic mobilization of the black urban proletariat that eventually led to the era of mass nationalist politics from the late 1950s which ultimately resulted in liberation (*ibid.*).

On the eve of independence, the state of the trade union movement remained unclear. In fact, to date, no comprehensive research on this period exists. Nevertheless, the labour movement seems to have coalesced into two broad categories in the late 70s, the skilled labour and the semi-skilled and unskilled. This was obviously the logical development of the fracturing of labour into the white labour aristocracy on the one hand and the black semi-skilled and unskilled on the other. As such, the skilled unions were white controlled and led, while the latter were black organised and controlled (*ibid.*).

The skilled unions of the white labour aristocracy had a national centre - the Trade Unions Congress (TUC) - which, over time, had formed links with the colonial state and white settler political parties which had formed successive white minority governments. These unions were still strongly protectionist and racist in their approach. With a membership strength of between 40 000 and 50 000, they had mobilised in the mining, iron and steel, municipal, administrative and commercial undertakings (*ibid.*, 21).

The African unions had been divided into two labour confederations - the African Trade Unions Congress (ATUC) and the National African Trade Unions Congress (NATUC). According to ILO estimates, total paid-up membership in these unions was no more than 100 000. However, the ILO makes an underestimate of total unionisation here since there were other unions which were not affiliated to the two confederations, e.g. those in the municipalities (*ibid.*).

On the eve of independence, the African labour movement was seriously divided and consequently weak. In 1978, it is said, NATUC had about 13 affiliated unions, while another confederation, the African Trade Unions Congress (ATUC), had 12. A year earlier, a veteran unionist, Reuben Jamela, had inaugurated his Zimbabwe Federation of Labour (ZFL) to which he claimed 35 unions were affiliated. However, in confidence, he is said to have admitted that in November 1977, only 10

of the 32 unions attending the ZFL Congress were *bona fide* (*ibid.*, 22).

At this time the African labour movement was divided into five national centres and this was the situation in a labour movement facing a united, centrally organised association of capital with historically strong links with the state. More than this,

the bureaucratic emasculation of labour itself had become really effective. The colonial state effectively removed the right to strike and had established a procedure of dispute settlement (whereby) ... disputes ... had to go through a system of arbitration and mediation before a legal strike could be called. Arbitration was either voluntary or compulsory. Pre-1963 legislation provided for disputes to be referred to the Industrial Council or Conciliation Board or a single arbitrator or panel of arbitrators with an independent umpire or industrial tribunal. The 1973 amendment to the ICA eliminated the first two provisions and required all disputes to be sent to an industrial tribunal appointed by the Minister of Labour.

Once an award was made, it was binding if 'essential services' were involved. (Essential services were designated by the Minister by notice in the Government Gazette). This bureaucratic procedure effectively removed the right to strike and those strikes that took place could only be illegal ones, subject to severe penalties under the Law and Order (Maintenance) Act and the Emergency Powers Act (*ibid.*).

The Industrial Relations System in the Post-Independence Period

The Political Economy Framework

The economic development of Zimbabwe during the UDI years brought about a relatively more diverse economy with a stronger industrial base than many of the countries of sub-Saharan Africa (SSA) or Africa in general. Kaplinsky noted thus:

As is clearly evident, the sub-Saharan region is one of the least developed parts of the global economy, with an especially weak historical record in the manufacturing sector. Within this region, Zimbabwe fares rather well. Considered as a percentage of GDP in 1982, only Egypt (with 27 percent) had a higher ratio than Zimbabwe's 25 percent. Moreover, largely as a consequence of being cut off from global markets in the sanctions era, its capital goods sector is particularly well developed. Thus, Zimbabwe's manufacturing sector is probably the most technologically sophisticated in independent Africa, and it has a longer industrial history than most (In Stoneman ed, 1988: 194).

A number of factors account for this pre-independence economic development. Writers emphasize the following: the impetus of World War II; the ill-fated Federation of the Rhodesias (Northern, now Zambia and Southern, now Zimbabwe) and Nyasaland (now Malawi), which benefited Southern Rhodesia more, and sanctions which isolated the colony from global world markets - as Kaplinsky says above - after the declaration of UDI in 1965; UDI forced the colony to develop protected industries via import-substitution industrialisation with heavy state intervention (Sibanda, July 1988: 10-11). Added to this was the "cheap local and migrant labour" which Mkandawire suggests was "a probably more long-lasting and far-reaching factor" (ILO-SATEP, 1985:3).

I have indicated elsewhere that Mkandawire, like many writers, takes this last factor as a residual one and not the central issue. I suggest that the sheer political-legal repression of labour, particularly black labour, since white labour constituted a protected labour aristocracy, by institutionalised racism on top of the exclusion of black labour in the definition of an "employee", was the cornerstone of colonial Zimbabwe's achievement of the economic development mentioned above (Sibanda, *ibid.*).

World War II disrupted trade routes and import lines, thus allowing the economy to

develop under protection. The Federation eliminated trade barriers and built a "captive market" for Southern Rhodesia. UDI's consequent sanctions precipitated the introduction of a quota system on an administrative allocation of foreign currency. The system provided protection for local manufacturing as imports which competed with local products were not allowed any forex resources.

Besides, as Mkandawire (ILO-SATEP, *ibid.*) adds, the blocking of profits of TNCs compelled them to invest locally and in a much more diversified way than before UDI.

The point, however, is that these institutionalised arrangements at the level of the superstructure were based on the structure of the determinant economic base in which the relations of production were defined by the existence of a huge pool of cheap labour whose connection with the means of production and of subsistence, particularly land, had been largely severed, forcing this huge pool to submit itself for wage labour in return for what could be described as "slave wages" (Sibanda, *ibid.*, 12).

At independence, the new regime inherited this relatively developed economic infrastructure. No restructuring of this economic base took place. Although oriented to a strong domestic base, it nevertheless remained with an export-orientation which was even more encouraged after independence.

With the inherited controls, the economy seemed to progress well with some real growth occurring in the early half of the post-independence period. A Government official made a comfortable claim that:

In real terms, between 1980 and 1986, the economy as a whole grew at an annual rate of almost 5 percent and a somewhat faster rate of expansion was experienced by the industrial sector (Mabhena, see Sibanda, *ibid.*, 13).

The economic system of Zimbabwe remained heavily dependent on vital external inputs. Apart from the claims of a success growth story in 1982, the new Government produced a three-year "Transitional National Development Plan" (TNDP) which optimistically put its targets at 8 and 8,4 percent growth of GDP per annum for employment and material production respectively (Government of Zimbabwe, 1982). However, the opposite of this expectation occurred. GDP growth declined from 1982 with major sectors recording negative growth rates, wage sector employment remained stagnant while unemployment grew. The "world recession" and the "drought" were blamed for this.

It seems that a purely economic approach to the analysis and projecting of Zimbabwe's likely achievements had been adopted. The economic targets were based on pre-independence economic achievements and the "boom" in the first year of independence which had been based on exploiting the under-utilised capacity of the pre-independence period. However, approaching the question within a political economy framework, one finds that a fundamental ingredient was ignored, and that is, the role and socio-political condition of labour-power:

So early after independence, the repression of labour and its being paid 'slave wages' as during UDI times would have been politically hazardous. That is why, although strikes were banned in Zimbabwe (...), it took nearly five years for the new Government to enact the Labour Relations Act (LRA) 1985 ... colonial clamping down of labour as in UDI days, immediately after independence, was not politically feasible. That is why a kind of state paternalism developed in this period, eventually, of course, weakening the working class (Sibanda, *ibid.*, 16)

The Condition of the Labour Movement

Labour was divided and weakened at independence. An attempt was made to unite

all the organisations of labour but the process was marred by political animosities:

Without a united and class-conscious leadership, the workers could not speak with one voice. Neither could they make their grievances known to capital and state at the time of independence. The new nationalist government had never prepared for this nor had the labour movement forced it onto the political agenda during the liberation struggle; yet the workers themselves had real and concrete grievances bottled up against capital (JSCD, p. 3).

The new regime came to power with impressive socialist rhetoric, in fact, claiming to be Marxist-Leninist. The workers, though not previously mobilised for a "socialist" struggle, took these proclamations seriously and utilised some of the positions adopted in the ruling party manifesto, particularly the right to organise, demonstrate and strike. The black workers, led by semi-skilled sectors, implemented the manifesto by a wave of strikes encompassing all economic sectors in 1980.

Socialism was never really on the agenda in the Zimbabwean political liberation scene. Elsewhere, I have suggested that:

... the socialist project was not seriously on the agenda and could not have been, without the working class either being organised, or represented, or acting as a combatant class on the stage (Stoneman, 1988: 275).

The response of the new regime to the striking workers is quite revealing with respect to socialist orientation. The Minister of Labour attacked the strikers with speeches of the former colonial Minister of Labour (*ibid.*, 289-90). Strikers at Wankie Colliery and Hippo Valley Estates experienced the moving in of the Army while 13 miners at Wankie were arrested under the ICA colonial law. Some guards shot at strikers at the Rio Tinto (Zimbabwe) mines. Police were sent to disperse picket lines and 400 work-seekers at Swift Transport in Harare. In all, 1 000 workers were sacked. All but 96 were selectively rehired. The Minister of Labour, Kumbirai Kangai, proudly proclaimed:

I will crack my whip if they do not go back to work. ... They must go back now.

He subsequently assured commercial capital at its annual congress that "there will be no major changes to the ICA", i.e. the Industrial Conciliation Act, a piece of colonial legislation which indeed enslaved black labour (*ibid.*, 291).

However, the strikes produced some concessions. The State appointed the Riddell Commission which inquired into Incomes, Prices and Conditions of Service. Minimum wage legislation was also passed.

In addition, the demonstrated ability of labour to act precipitated the institution of workers' committees in workplaces, which were a concrete realisation of the right of labour to be consulted, and its organisational instruments to exist. In a nutshell, the actions of labour in the immediate post-independence period forced out a certain paternalism of the State. This State paternalism continued to manifest itself later, in the awarding of increments to workers earning below \$300 a month - an increment which was not won by the workers' struggles 'themselves' (JSCD, p. 4).

In fact, the negative nature of this paternalism has been resented by labour itself. The post-independence national centre - the Zimbabwe Congress of Trade Unions (ZCTU) - declared that State paternalism was weakening it and the awarded increases were not a product of consultation with the labour movement (in Mandaza, *op.cit.*, 258).

Apart from the institutional introductions such as Workers' Committees and "Works Councils", the State intervened to unite the labour movement and this materialised in the formation of the post-independence national centre in 1981. The problems involved in this intervention are discussed thoroughly by Sachikonye in Mandaza

(1986), Wood in Stoneman (1988), but more exhaustively in NTUS (1984).

An important landmark in the post-independence industrial relations system was the passing of the Labour Relations Act (LRA) (1985) which repealed the ICA (Chapter 267) and the Minimum Wages and Employment Acts of 1980.

The new Act (LRA) which was hailed by Government as a "Workers' Charter" appears to have strengthened some of the negative provisions of the colonial ICA. Indeed, this is in keeping with the promise of the first independence Minister of Labour that there would be no major changes to colonial labour law.

The Act does recognise the right of labour to organise and the right to form workers' committees and the like. It also protects employees from dismissal without State consent. However, elsewhere, I have indicated its negative aspects:

Besides the painful and bureaucratic method of dispute settlement - which starts from a labour relations officer to a regional hearing officer, then to a Labour Relations Board, from which appeal lies with a Labour Tribunal and from there to the Supreme Court ... The range of spheres which are defined as 'essential services' (and therefore, no strike in them) is so wide that only domestic workers remain outside the essential services sphere (*JSCD, ibid.*).

In the Act, the power of the Minister extends to cover control of union finances, union elections, staffing, property, and even overruling collective bargaining agreements. This makes trade unions more like recreation clubs than organisations fighting for and protecting workers' interests.

However, recently, with the economic problems of the country and with calls for "structural adjustment and liberalisation"; with the desires for so-called "much needed foreign investment", the little gains that labour may have achieved with the passing of the LRA are being eroded. Capital has demanded (and been granted) a review of the LRA, particularly the protection of labour from dismissals. In fact, the unions have always been powerless to protect their members from retrenchment.

"Rationalisation" precipitated by recessions which hit the uncompetitive firms of the country has led to retrenchment of labour (See Table 1 on Page 25).

Labour has equally demanded free collective bargaining and the right to strike. The State has responded with "bargaining within certain limits" and the invocation of Emergency Powers to declare strikes illegal and threatening to arrest and arresting strikers. This was the case when leather workers went on strike when their employers reneged on pay increases previously agreed. The State nullified the agreement and declared the strike illegal (*The Worker*, November 1987). Junior doctors were arrested when they went on strike over their conditions of work in June 1989.

Railway artisans were similarly treated when they went on strike in July-August 1989. Recently, the striking technicians of the Post and Telecommunications Corporation were arrested as their strike was declared illegal since they were in an "essential service". The current Minister of Labour has declared that he will not hesitate to use Emergency Powers to deal with "wildcat strikes". (*The Herald*, 1 September 1989).

The State and labour contradiction is currently intense also in the field of the new economic programme of the Government, particularly the "Investment Guidelines".

Labour has condemned this as a sellout to foreign capital and a deviation from the socialist path. Instead, an alternative programme has been submitted by labour, which calls for State takeover of land, banks, and other leading sectors of the economy. Also, the giving of the right of employers to hire and fire is countered by labour with a demand for an unfettered free collective bargaining system with the

right to strike. To date, the Government is silent on this and only questions the labour movement on whether it has consulted its members (*The Sunday Mail*, 27 August 1989).

In terms of the participation of the labour movement in some important policy-making bodies, the ZCTU sits on the following: the Wages and Salaries Board, the Price Control Board, the Retrenchment Committee, the Labour Relations Board, the Zimbabwe Occupational Safety Council, the ILO Committee on Convention and the National Manpower Committee. The ZCTU feels that in all these boards, it simply contributes to the discussion. The Board makes its recommendations to Government and the Government has no obligation to translate those recommendations into policy. The Boards are simply consultative.

As to the effectiveness of the labour movement's participation, the issue is difficult to determine since the deliberations are simply "group discussions". Representatives of State and capital are always at an advantage for they are more experienced, with better information and more social power. The "tripartite-triumvirate" simply has a disadvantaged partner, that is the labour movement. Even though consultation is practised, the other parties have greater muscle to flex simply because of the political and economic framework within which the whole scene is being acted.

The conclusion here is the same as that with respect to Zambia and Tanzania. There is no alternative to increased agitation for more and substantive democratic participation and consultation of the labour movement on all issues affecting the social existence form of labour and society in general.

Table 1
APPLICATIONS FOR RETRENCHMENTS: JANUARY TO AUGUST 1983

Industry	Applications				Employees			
	Received	Rejected	Accepted	Total	Retre- nched	Short Time Work- ing	Unpay- able	Not Retre- nched
Agriculture	38	7	31	-	618	0	29	135
Brick and Clay	5	1	4	-	100	0	0	6
Building	17	0	17	-	758	0	0	0
Civil Engineering	11	1	10	-	143	0	8	8
Clothing	33	9	24	-	698	0	281	459
Councils	77	1	6	-	110	0	0	43
Catering	7	2	5	-	38	341	0	351
Commerce	26	3	23	-	400	0	8	24
Domestic	5	0	5	-	6	0	0	0
Eng. Iron & Steel	48	8	40	-	1 602	5	152	202
Leather & Shoe	4	1	3	-	51	0	0	250
Mining	12	0	12	-	249	0	0	0
Minimum Wage	4	0	4	-	16	0	0	0
Meat Trade	3	0	3	-	60	11	0	11
Transport	13	5	8	-	304	0	0	51
Miscellaneous	34	7	27	-	456	0	0	113
TOTAL-Jan-June	278	46	232	7 276	5 623	357	478	1 653
Percentages	100%	17%	83%	100%	77%	5%	7%	23%
TOTAL-July	50	12	38	1 036	699	101	169	337
Percentages	100%	24%	76%	100%	67%	10%	16%	33%
GRAND TOTAL	366	70	290	9 703	6 808	971	11 033	289
Percentages	100%	21%	79%	100%	70%	10%	11%	30%
TOTAL-August	38	18	20	1 391	486	513	386	905
Percentages	100%	47%	53%	100%	35%	37%	28%	65%

Source: Monthly Reports, Industrial Relations Department, Ministry of Labour and Social Services, 1983

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