

THE INSTITUTIONALISATION OF COLLECTIVE BARGAINING IN ZIMBABWE: A PIG IN A POKE FOR TRADE UNIONS?

Freek Schiphorst

Employment & Labour Studies Programme, Institute of Social Studies,
PO Box 29776 – 2502 LT The Hague – The Netherlands
E-mail: schiphor@iss.nl

Introduction

This paper will examine the development of collective bargaining in Zimbabwe from 1980 onwards and its impact on trade unions. The literature on African industrial relations provides examples of how the institutionalisation of collective bargaining proved to be a source of union strength¹. Similar arguments have also been voiced for Zimbabwe. Mark Shadur's predicted in the early 1990s:

As collective bargaining at industry level proceeds, it is likely that trade unions will increase their membership and strengthen their organisations and bargaining power (1994:225).

Lloyd Sachikonye too holds that “[A] major contributory factor to the strengthening of trade unions was the introduction of free collective bargaining in 1989-90” (2001:94). Based on field research conducted between 1986 and 1995 I will refute this, and show how the particular way in which collective bargaining was (re-)introduced in Zimbabwe undermined rather than strengthened trade unions particularly at shopfloor level.

The paper will start with a brief historical overview that will show how post-Independent labour legislation borrowed heavily from colonial times. Subsequently the current institutional set-up of collective bargaining will be analysed and a case study will be presented in which the impact of this development on the shopfloor will be examined. The paper will argue that collective bargaining at sectoral level is too far removed from the shopfloor for the unions to use it in recruitment. Secondly, the collective bargaining machinery invites some employers to outbid the agreement reached. Against a background of soaring inflation this too seriously undermines trade union credibility in the eyes of workers.

Historical background

Immediately after Independence it seemed that the new government wanted to break radically with past practices and institutions. Initially overtures were made in policy statements to establish several forms of workers' participation leading to full workers' control (see Schiphorst 2001:189-201). Soon, however, the call for the introduction of collective bargaining got the upper hand. The government declared that:

As a member of the International Labour Organization, Zimbabwe will be guided in its labour and employment policies by the constitution and conventions of that body. Government is fully committed to the I.L.O. concept of “tripartism”, that is, that all matters affecting labour should be resolved by free discussion between representatives of Government, employers and workers. The principle of free collective bargaining between employers and workers on pay and conditions of service as enshrined in the law will continue to be respected and guaranteed (Republic of Zimbabwe 1981b:10).

¹ E.g. for Nigeria see Andræ & Beckman (1999:274 ff); for Zambia (in the 1970s), see Konings 2000:171

Quite rightly this policy document refers to the fact that collective bargaining was already instituted in the law. The Industrial Conciliation Act (ICA) 1959 had already established the industrial relations machinery regulating the procedures for collective bargaining. Per industrial sector so-called Industrial Councils were created in which registered unions could bargain with registered employers' associations. In addition to these councils, Industrial Boards, consisting of ministerial appointees, covered those sectors where no trade unions were registered². Although the ICA 1959 contained provisions that would allow (with various restrictions) black workers to join, or to form, trade unions, these unions had before Independence only very limited access to the bargaining table³. At Independence there were 21 of these Councils and 67 Industrial Boards (see Schiphorst 2001:152).

In September 1980 the Commission of Inquiry into Incomes, Prices and Conditions of Service --the Riddell Commission after its Chairman-- was sworn in. Amongst others, this committee was to inquire and make recommendations regarding "the role of trade unions in the collective bargaining and industrial conciliation processes" (Riddell 1981:1). The evidence which this Commission collected dealt specifically with the question how a new industrial relation structure ought to look like and whether the development of workers' participation should be set in motion or that a strengthening of collective bargaining should be emphasised.

In giving evidence before the Riddell Commission the Ministry of Labour issued a warning against too rapid a change "...stressing that until a system of workers' committees *and trade unions* had been operating successfully for a number of years it would be premature to consider workers' participation at higher levels (in Riddell 1981:253, emphasis added). Employers went one step further in prioritising the development of trade unions over and above the (further) development of worker participation. Delta Corporation, a large holding company, testified:

Insofar as employee participation in the running of any of our companies is concerned, we believe that it is too early to consider the introduction of this type of administration. At this stage, in our opinion, the development of the trade union movement is more important in the achievement of worker expectation, than worker participation in the running of the organization (in Riddell 1981:254).

The Commission concludes, after pointing to the constraints involved in initiating higher forms of workers' participation and reviewing some of the inhibiting international experience in this field:

Thus, while there is scope for increasing worker participation in Zimbabwe further than that existing at the present time, considerable caution needs to be exercised in attempting to initiate higher forms of co-operation unless the workforce is fully aware of and conversant with the new forms of participation being proposed, and it is able to accept the responsibilities accompanying higher forms of worker participation (Riddell 1981:293).

The Commission considered it, therefore, more opportune to first strengthen the representation of workers through their unions in the collective bargaining machinery. It recommended the introduction of legislation which would do away with worker representation based on occupation (as was ruled in the ICA 1959) (Riddell 1981: 263). The evidence the commission heard --from both the employer side and the trade union side-- was unequivocal in favour of industrial councils, instead of industrial boards. Accordingly, the Commission strongly recommended the further development of the Industrial Council system and against the continuation of the Industrial Boards in which ministerial appointees could only make recommendations to the Minister (Riddell 1981:263).

² These provisions were a straight continuation of the ICA 1934.

³ Black workers were not allowed to form black unions: they could only join or form 'multi-racial' unions. The ICA 1959 ensured that white workers would always have the upper hand in these unions. In addition to the restrictions on black trade unions, it has to be observed that the bulk of the African labour force was not affected by the ICA since it excluded from its jurisdiction people working in agriculture and domestic service and people working for the railways. The coverage of collective bargaining thus was extremely limited: some 30 per cent of the formal sector employees. For further details see Schiphorst (2001:141-156).

However, whatever collective bargaining machinery existed collapsed. New trade unions emerged on the stage, some of the old unions lost their position. The new government was in a hurry to improve the wages and working conditions of black workers especially in commercial agriculture and domestic service; sectors where conditions and wages indeed had been dismally low. Realising that it would take quite some time before trade unions could play a strong role in wage setting, the government introduced in July 1980 the Minimum Wages Act. This act allowed the Minister of Labour to set national minimum wages for workers in agriculture, domestic service, mining and industry respectively. And indeed, henceforth, national minimum wages were annually announced, usually during the May Day celebrations, after having been “unilaterally determined by government” (Kanyenze 1993:140). Sometimes, wage increases were announced on the personal initiative of a minister. To end such an informal system, wage determination had to be institutionalised (Herbst 1990:208-9).

Industrial Relations Legislation

This institutionalisation came with the introduction of a new labour legislation. The long-awaited Labour Relations Act of 1985, was considered a major hallmark in the development of industrial relations in Zimbabwe (Republic of Zimbabwe 1985)⁴. This Act creates –or better recreates—the institutions for collective bargaining: Employment Councils and Employment Boards, replacing the Industrial Councils and Boards which still existed under the ICA 1959.

The Act prescribes the composition and functioning of Employment Councils. Half of its membership will represent the trade union (singular!) in a given industry, the other half of the members will represent the employers organisation. The Council appoints its own chairperson. The main duty of the Employment Council is to conclude collective bargaining agreements and to take steps to ensure their proper implementation. Furthermore, the council is also charged with the task to prevent disputes between the two parties who have to bargain in good faith and disclose all relevant information to each other (Republic of Zimbabwe 1985:212-16). In the absence of a representative trade union or employers’ organisation to form a Council, the Minister may decide to establish an Employment Board. The Minister of Labour appoints representative members and the chair. The Board shall make recommendations to the Minister regarding the conditions of employment (including wages, grading, and hours of work) “with the objective of preventing or of settling disputes (Republic of Zimbabwe 1985:217).

The agreements reached in a Council have to be approved by the Registrar of Labour Relations in order to become law, and the Minister could direct the Registrar not to do so. In particular if the agreement was “inequitable to consumers or to members of the public” (Republic of Zimbabwe 1985:221). In this respect too, there was little difference with the ICA, which after its 1973 amendments also required ministerial approval for a collective agreement and which also stated the interest of consumers and of the public as a whole as reasons for nullifying an agreement (see Harris 1973)⁵.

The government considered the introduction of this new Labour Act as a step of major importance. At the 1986 May Day rally, Prime Minister Mugabe told the “thousands of workers” that the Act “...would enable the Government to uphold the principle of collective bargaining between workers and employers...” (Herald 2-5-1986).

⁴ The Act became effective on the 15th of December 1985; see Statutory Instrument S.I. 367 of 1985, gazetted 13th December 1985; I will refer to this Act henceforth as LRA 1985.

⁵ Agreements were usually accepted (see Shadur 1994:137; Mutsvanga 1992:22). However, in the ZCTU newspaper, *The Worker*, an article appeared in 1987 in which it was reported that the Ministry of Labour’s administration was in a mess, resulting in agreements not being registered. It cites examples where registration had still not occurred after two and three years (Labour 1987:1). An ILO report mentions that the Ministry sometimes has delayed registration or approval, thus allowing the high inflation to have a severe impact on real wages, thereby “dampening the spirit of free bargaining” (ILO 1993:125).

After the collapse of the bargaining machinery immediately after Independence⁶, the number of Employment Councils slowly grew, while concomitantly, that of the Employment Boards decreased bit-by-bit, – fully in line with the stated preferences of both the employers and the trade unions as well as with the recommendations of the Riddell Commission.

In May 1992 Parliament accepted amendments to the LRA 1986. Fully in line with opinions across the board, the existence of Employment Boards is phased out in favour of the Employment Councils. More emphasis is now put on the already existing powers of the minister to ask parties to form an Employment Council, rather than await their spontaneous conception⁷. Moreover, the procedures for the registration of collective agreements reached in these Employment Councils are simplified and every registered agreement shall now be published as a statutory instrument and be legally binding (Republic of Zimbabwe 1992:126). The following table shows the development in the number of Councils and Boards after Independence.

Table I: Number of Employment Boards and Councils, 1980-2000

	Employment Boards	Employment Councils
1980	67	21
1982		17
1983		16
1984	64	
1985		16
1987	43	18
1989		18
1990	52	22
1992	45	25
1993	44	26
1994	36	34
1995	36	
1996	20	
1997	19	44
1998	10	45
2000	0	46

source: Schiphorst 2001: 166

Initially, however, collective bargaining had a strong governmental input. Like in the first five years of Independence, minimum wages were still announced by the government. In this period these announcements had the effect of rescinding whatever agreement had been reached in Boards and Councils (see Shadur 1994:123). After 1985 the minimum wages were announced after consultation with the Wages and Salaries Advisory Board which had been established as a result of the LRA 1985. The Board's recommendations were not binding however. At the same time as announcing the minimum wages, the government also indicated maximum wage increases under the Emergency Powers Act⁸. These minima and maxima became known as the government defined "parameters"

⁶ Shadur is more cautiously when he writes: "The industrial boards and industrial councils through which collective bargaining was supposed to take place still operated but in many instances the results of their negotiations were overtaken by minimum wage adjustments" (1994:123). However, the trade union situation in the first few years was so chaotic that it was unlikely that especially the Councils could have been meaningfully convened. Moreover, in the period 1980-1987 only 4 National Employment Councils were formed (Shadur 1994:113).

⁷ An Employment Council thus formed is called: statutory Employment Council, in contrast to the voluntary Employment Council.

⁸ As an ILO report rightly observes, by doing this under the authority of the Emergency Act, and not under that of the Minimum Wages Act nor the LRA 1985, a pre-Independence tradition was followed (ILO 1993:128 fn.11). This is, once more, an illustration of the remarkable continuity in labour policy in pre- and post-Independent Zimbabwe.

within which unions and employers were allowed to bargain. The parameters were characteristic of this second phase in wage determination. It was only in 1990 that the government changed its position, precipitated by the publication of the new investment guidelines in 1989, when it announced only a minimum increase (10 per cent) but no maximum any more. Thereafter, collective bargaining could be freely conducted – although ministerial approval of its outcome still was required.

Throughout the years the government was criticised for this intervention in wage setting. On the one hand, the critique was that there was a complete lack of coherent policy. This was not only concluded by outside observers like Herbst (1990:201-08), but also by the ZCTU's Secretary-General Morgan Tsvangirai. The latter criticised the fact that in this period (1986-1990) various ministries dealt only with components of a wage policy (like wages, rents, prices and overall economic development) and that there was no co-ordination between them (Tsvangirai 1990:10).

On the other hand, criticism emerged against the government "usurping" trade union functions, thereby weakening the trade unions. For instance, Nelson Moyo argued that the "personalised style" of labour officers in handling industrial disputes made it very difficult for a trade union to make any impression on workers. Any union role in grievance handling was thus pre-empted (Moyo 1984:10). Interestingly enough, both employers and unions had the same opinion. The argument was that as long as unions were not allowed to fully become involved in collective bargaining, workers were not induced to join a trade union. And strong trade unions were required to keep the government out and leave wage setting to bi-partite collective bargaining. Employers feared the government more than they feared the trade unions. As early as 1981, the President of the Associated Chambers of Commerce argued that:

...well organised and enlightened trade unions will foster good negotiation procedures making government interference in such aspects as minimum wages unnecessary (A. Botsch, Herald 2-12-1981, in Sachikonye 1995:137).

A similar opinion, but this time voiced in stronger terms, was provided by a Harare businessman:

Trade unions cannot negotiate freely any bargaining agreements with employers. The annual ritual of announcing wage increments...renders the trade union irrelevant, impotent, ineffective and completely useless (Sangena 1986:26).

Within union circles the opinion of the employers about collective bargaining was shared. In 1984, a member of the ZCTU executive analysed:

The problem is that the government has been the trade union because all benefits to the workers have come from the government and not the unions. So people now feel that the government runs the unions. The government has been spoon-feeding the unions (in Republic of Zimbabwe 1987a:46)

And subsequently, union spokespersons left no opportunity unused to voice their desire for "free collective bargaining".

Over the years in the 1980s, employers and unions alike criticised "fettered bargaining" which the government only allowed by announcing the band-width within which wage increases had to remain. But slowly, tri-partite collective bargaining, with governmental parameters was to give way to bi-partite negotiations. And indeed, from 1990 onwards, parameters were no longer announced and bargaining was left completely to the National Employment Councils.

This shared, mutual desire was quite in agreement with the government's drive to change its economic policy set in motion already in April 1989 with the publication of new policies and regulations for investment (Republic of Zimbabwe 1989b). Further deregulation and liberalisation was required to buttress the measures for economic reform announced early in 1991 (Republic of Zimbabwe 1991a). Indeed this policy document signalled the need for a relaxation or even withdrawal of the strict labour market regulations and declared that codes of conduct at company level would be established "through the process of collective bargaining" (Republic of Zimbabwe 1991a:14).

Views of the Social Partners on Collective Bargaining

Not surprisingly bargaining in these Councils found a willing reception with employers. In the first years after Independence employers felt unable to influence governmental wage setting (see Herbst 1990:201-16). In the opinion of the employers, the councils, however, allowed the determination of a much more “realistic” wage in line with their ability to pay. Within the ZCTU some voices occasionally warned for the limitations of collective bargaining. The Secretary General of the ZCTU commented on the “limited framework” and the “narrow focus on wages, leaving out other necessary non-wage issues” (Tsvangirai 1990:10). The ZCTU legal advisers, after noting that it were the workers who paid for the Councils, commented that “matters like housing, transport, health care and education” were not covered and they observed that collective bargaining did not “challenge managerial power and Government decision-making” (Musarurwa & Nzombe 1989:9).

Criticism was also voiced regarding the lack of involvement of the rank-and-file membership in the exercise. Already in 1988 a finger was pointed at the “fundamentally undemocratic nature of the union movement” which impaired the unions’ functioning in wage negotiations (Davies 1988:8). Likewise, the General Secretary of the Commercial Workers Union, Shangwa Chifamba, told the Congress of his union in 1994:

Collective bargaining has become an isolated process with virtually no involvement of the membership and as a result union strength is not felt by employers and government. Let us adopt a participatory collective bargaining approach where members are vigorously and enthusiastically involved from the initial stages of issues and positions, throughout the course of arguments and ratification of agreements (Chifamba 1994:17).

These analyses at ZCTU top level were not translated subsequently in policy initiatives of the trade unions to either broaden the scope of collective bargaining, or to better involve their grassroots, or to support processes which would indeed challenge managerial prerogative. The position of the trade union movement remained an all out support for the further development of “free collective bargaining” in the Employment Councils in which wages and grades would be determined and which provided regulations for dispute settlement in which the trade union played a role. To this end, the ZCTU even concluded a formal agreement with the Employers Confederation to see to it that “collective bargaining is carried out successfully and fruitfully”, as a result of which EMCOZ President Chanaiwa was able to conclude that: “...EMCOZ and the ZCTU will endeavour to ensure the success of free collective bargaining in Zimbabwe” (Shifting 1990:14).

At this stage it might be good to consider what happened to the introduction of workers’ participation – a development that might have helped the trade unions to strengthen their presence at the shopfloor. The Government had set the stage by introducing workers’ committees as early as 1981. The ZCTU, however, feared these bodies more than that it saw in them an opportunity to spread union wings to the shopfloor. The following statement is indicative for the unions’ attitude:

The ZCTU objective is to develop good Industrial Relations between workers and managers through collective bargaining. Since Independence we have had the system of workers committees here which the unions looked at with great suspicion, thinking that they had come to replace them in the bargaining process. We would like to emphasise that in the whole process of workers’ participation trade unions must play an important and effective role. While the workers committees remain as communication links between management and workers at shop floor levels, trade unions must remain as the main collective bargainers for the improvement of working conditions and wages and must have representatives in any established form of workers’ participation (The Worker 1981:2-3.)

Within the ZCTU there was a group in favour of strengthening the ties between the trade union and the workers' committee. The objective of these union leaders was pragmatic: the realisation that the workers' committee could become the union's advanced basis at enterprise level buttressing the union's efforts towards collective bargaining. On the one hand it would do away with the argument that union's presence at shopfloor level was weak, on the other hand, the workers' committee could serve as source of information which could be used in collective bargaining.

However, this line of thought was marginalised in favour of one that proposed to replace the workers' committee by a trade union committee. The waiting was for the Government to amend the legislation and by the stroke of the pen deal with this organisational issue. The result wait-and-see attitude was that unions showed very little enthusiasm to seek co-operation with the one and only body elected by workers to represent them vis-à-vis management: the workers' committee.

Various studies conducted at shop floor level (see for a review Schiphorst 2001:211-13) showed, however, that workers felt that the workers' committee dealt directly, with their problems while unions were considered as "far removed and run by 'officials' whom they seldom see" (Peta et al. 1989:18). The authors of this last study – young and active trade union cadres from five different trade unions— recommend a trade union strategy towards the workers' committees:

It is clear that the unions must seriously think of ways of strengthening the Workers Committees at the shopfloor level since they are the organs with the most direct contact with the workers. Their education needs special attention and also equipping them with the means that would assist them in their tasks (ZCTU 1992:11).

But this voice was a lone wolf crying in the desert. Official ZCTU policies were not influenced by these and similar studies. Over the years, relations between unions and workers' committees remained (on the whole) strained, and at the Fourth National Congress of the ZCTU in 1995 the General Council reported that:

One of the key organising issues for the ZCTU is the continued existence of workers committees as non trade union structures, undermining the base and therefore the viability of the trade union movement. This is evident once again in the use of the vulnerable workers committee in the Labour Relations Amendment Act as a means of undermining the union movement. It is a major task of the trade union movement to resolve a strategy on the transition from the workers committee to the trade union committee, to ensure the effective growth and organisation of trade unions from the shop-floor (ZCTU 1995:10).

At the same time, there was now a growing recognition that a strong shop floor base was needed to build viable and strong trade unions. However, workers' committees were not seen as a vehicle to achieve this, despite the fact that all over the country trade union members were active in these committees. Union leadership felt that these committees were not sufficiently within their fold to entrust them with the task of spreading the unions' gospel. For the trade union leadership, only collective bargaining (without its current limitations) would be able to deliver palatable results (see Schiphorst 2001:185-216).

Impact on Trade Unions

With the trade unions fixed on their input in wage setting it might be good to examine to what extent this was recognised by their members or even workers at large. Did the union's participation in collective bargaining enhance their status among workers, trade union members and non member alike? Several studies providing information spread out over a number of years have sought an answer to this. A survey conducted by trade union researchers among workers in five different industries found that almost half of them did not know how their wages were determined and it observes:

What is also significant to note is that for industries where wages are negotiated ... through the National Employment Council...workers in general did not know the importance of the NEC in wage determination. This is all the more surprising for those with the NEC because their pay slips should have shown a compulsory levy in order to pay for the operations of the NEC (Peta et al. 1989:38).

Indeed, the study also reports that the “vast majority of workers”, both union and non union members was not aware of the existence of either Employment Council or Board (Peta et al. 1989:45) and it concludes that the NECs might even have weakened trade unions by providing an opportunity for unions to operate on behalf of workers without “first seeking a strong mandate from the workers who do not know about the Council in any case” (Peta et al. 1989:49). Reviewing the same data-set Rudo Gaidzanwa observes that “only six out of 169 interviewed persons associate the stipulation of wage conditions with the term trade unions. This reflects a communication catastrophe in the extreme” (1991:16). She too notes a worrying distance between the local union structures and its bargaining activity (1991:17).

Likewise, surveys conducted in 1991 and 1992 among a general trade union public showed that 56 per cent of union members whose wages were regulated through NEC agreements was unable to list any achievement of the NEC (Makanya et al. 1993:10). This picture was confirmed in similar surveys conducted in 1993, 1994 and 1995 showing that “a significant percentage [of trade union members] does not know whether there is a NEC or not in their respective industries” and that respondents had difficulty mentioning NEC’s achievements. Improvement of wages was consistently over the years only mentioned by a mere nine percent as “main achievement” of the NEC (Sibanda 1996:19-20).

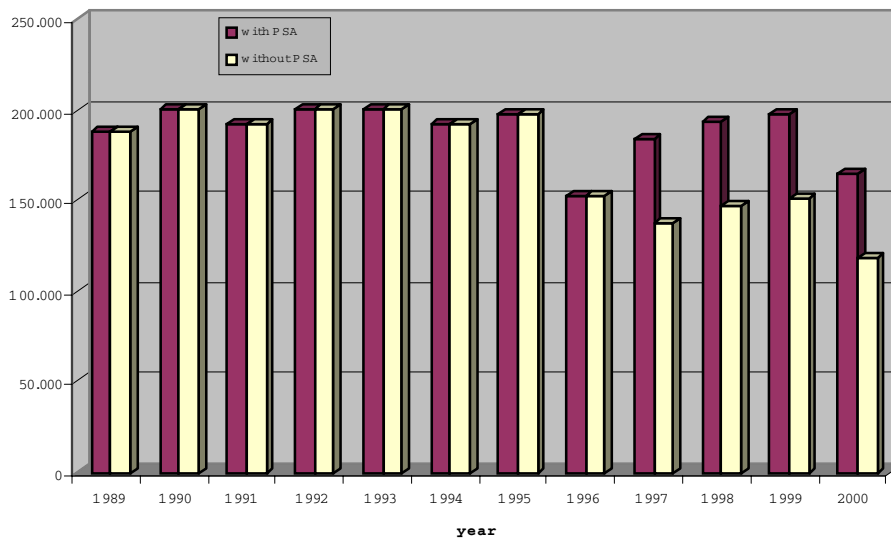
The conclusion that emerges from this is that unions have not been able to make any impact upon their members (and workers at large) regarding their role in the NECs. One reason for this might be found in the poor communication flows within unions. Another reason why the unions’ role in collective bargaining is so little known can be found in the limitation to the right to strike. Strikes not only can put pressure on the employers to accept the terms of the unions. Strikes, or the threat thereof, generate a lot of publicity in which the role of the trade union as bargainer is well illuminated. In this way, workers are at least alerted to the fact that there is a link between trade unions and wage determination through collective bargaining.

Collective job action, however, in Zimbabwe is –and has always been—restricted. Under the ICA 1959 strikes were, as one observer puts it only allowed after the Minister of Labour gave his personal approval (Mitchell 1987). At the inaugural congress of the ZCTU in 1981, Prime-Minister Mugabe reminded the hall that his party had promised the workers in its election manifesto the right to strike action (Zimbabwe Congress of Trade Unions 1981:2). And indeed the LRA 1985 incorporated the right to strike but only after lengthy and cumbersome procedures had been completed. In addition, the definition of “essential services” --in which strikes were not allowed-- was stretched to such an extent that one observer estimated that only the domestic service remained unessential (Sibanda 1991:23; see also Saunders 2001:140).

After 1994, however, the number of strikes increases rapidly. Saunders convincingly argues that the nature of these strikes is in most cases defensive: the massive inflation that came in the wake of the structural adjustment programmes had eroded real wages (2001:148-50). Collective bargaining in the NEC’s however, could not restore this. Partly, in the words of Morgan Tsvangirai in 1997, “...as a result of lack of interest by employers in taking collective bargaining seriously” (in Saunders 2001:150). On the whole, however, the strikes too were not an instrument to broadcast the role of unions in wage setting and attract membership.

Table II shows the trend in membership figures of the ZCTU. From 1995 onwards the steady decline is masked by the affiliation to the ZCTU of the Public Service Association (PSA) which ‘boosted’ membership by 47,000 from 1997 onwards. Discounting this ‘windfall gain’ membership figures dropped from 198,000 in 1995 to 118,000 in 2000. The dark bar gives total membership, the light bar ZCTU membership without PSA members.

Table II ZCTU membership figures 1989 - 2000



source: ZCTU membership records, March 2001

A Case Study from the Printing Industry

The following case study will illustrate yet another pitfall that collective bargaining holds for trade unions. Zimprint⁹ is Zimbabwe's largest and oldest printing establishment in the country, and once was the pillar of the Zimbabwe Graphical Workers Union in Harare. At the time of research the union was no even a shadow of its former stature. At Zimprint the density had dropped to 50 per cent. This very low profile of the union at Zimprint can partly be explained by the peculiarities of the functioning of the union in collective bargaining. The Graphical Workers Union—like many other Zimbabwean unions—sees its role in the National Employment Council (NEC) as the cornerstone of its existence. However, as the printing industry is rapidly expanding with the small print shops and desktop publishing houses mushrooming, the employer side in the NEC has successfully argued for strong moderation when it comes to wage increases. In the words of the union leader at Zimprint:

All the new companies join the NEC, we cannot stop them. But we have to take their ability to pay into account when we settle for a wage increase. We cannot say, money, money, money. We have to take the smaller ones on board and see what they can afford (interview data).

Generally then, the collective bargaining agreements reached in the National Employment Council reflect this wage restraint “in the interest of the industry as a whole” as one manager put it.

The result is, however, that larger companies, like Zimprint can easily decide on their own increases which are higher than the one nationally agreed upon. The General Manager used to announce the percentages. In the Personnel Department I was told:

Here we simply decide on how much we pay above the stipulated percentages. Workers do ask for a discussion on their increments but there is no need to invite a discussion on it (interview data).

The result of this is that the union has nothing to offer to its members or workers. Wage increases are seen to come from management's benevolence, not from union's bargaining skills or militancy and force. As the union leader describes:

⁹ Zimprint is a pseudonym. Data were collected in 1995.

We have to have something. The GM announces the increases and he would have won his war. In this way I cannot be popular with my members or the Zimprint workers (interview data).

But Zimprint does not offer anything to this union leader. Consistently, over a number of years it paid more than the increments stipulated in the NEC agreement. In such a situation collective bargaining at national level cannot earn the union any reputation. The workers in the smaller establishments are, generally speaking, not organised, while for those who are work in large companies the union cannot make an impact. We now see that even with “unfettered” collective bargaining left solely to unions and employers associations, unions are not automatically to benefit. In the case of the graphical industry, the smaller units are usually not organised, and employ a proportionally higher number of journeymen who are less inclined to join the union and who are in the top pay scales. The unskilled and semi-skilled workers working in the larger establishments have a higher propensity to join but are discouraged from doing so by the “benevolent stance” of the employer offering marginally higher wage increases than the union has settled for in the NEC. In this way the functions of the union are not so much “usurped” (see Shadur 1994: 148) as well as by-passed and ignored by the larger enterprises. A similar situation existing in large supermarkets was reported to me by a regional trade union leader in the Commercial Workers’ Union in 2001.

Concluding observations

The most remarkable observation is the marked continuity in industrial relations policy since 1934: employment regulation, wage setting and dispute settlement were governed in an institutionalised structure. Immediately after Independence, the old machinery with its racial overtones, of course, fell out of was out of grace but not the product it had produced: collective bargaining. The introduction of the LRA 1985 put this policy back on track: institutionalised collective bargaining at industrial level with the possibility for enterprise flexibility through the workers’ committees. The amendments in 1992 confirmed this line: industry-wide collective bargaining with the possibility to fill in details at a decentralised, enterprise level.

For the trade unions the creation of the employment councils appeared too good to be true. On the one hand Independence brought them advantages: the pre-eminent stage of industrial relations -- collective bargaining-- had fully been opened to them. As such they were fully recognised as a legitimate partner in this field. There were limitations to it (no right to strike, limited scope and extent of the exercise, and shop floor competition from the Works Councils) but the institutionalisation of industrial relations gave the trade unions a sense of achievement.

Gunilla Andræ and Björn Beckman (1999) analysed trade union power in the Nigerian Textile Industry. Their conclusion is that the incorporation of the union in the collective bargaining institutions contributed in no small way to the enhancement of their position. At industry level, collective bargaining based as it is on willingness of both parties to engage in serious negotiations, and supported by state legislation won for the unions legitimacy with employers and workers alike. They conclude that such bargaining: “...was an ‘industry pact’, partly formalised, partly developed through the practices of collective bargaining and in the day to day interaction on the shop-floor” (1999:274-5). As a result: “corporatism continued to be a source of union strength, contributing to the diffusion and deepening of a union-based labour regime” (1999:274).

In Zimbabwe such a situation was a far cry. Indeed, the unions were locked into the collective bargaining machinery, but they derived little strength from it. Of course, they were recognised a legitimate place by the employers and the state. But this was not a major achievement on the part of the unions. The state had already set in motion a process to institutionalise industrial relations in the 1950s, in order to create an orderly interaction between labour and capital. By the early nineties, this process had been completed. The employers went along with the strategy knowing that they had little to fear from the unions. The negotiating skills of the unions were weak (see Schiphorst 2001:170-181;Herbst

1990:216), and the thread to back demands up (the right the strike) was absent. Moreover, the shop floor strength of many trade unions remains weak and interaction between union leadership and members not well developed. This paper argues that collective bargaining in National Employment Councils (NECs) is only of limited use for establishing trade union presence at the shop floor. On the whole the activities of the trade unions in the Employment Councils attracted very little attention in the eyes of ordinary members; they were not aware that their organisation was battling it out with the employers to win them a good wage. It seemed as if the victory for the union (recognition as a bargaining agent) was one which did not find an echo with the membership.

Findings at Zimprint corroborate earlier studies. Although the trade union—ailing from among other things financial mismanagement—had concentrated its efforts fully on its bargaining role in the NEC, it was made redundant at Zimprint for this very reason. Using the weak national position of the union, the NEC kept the annual wage increments low. Zimprint easily topped up the agreements thereby making the union even more marginal. The activities of the trade union in national bargaining were not a direct incentive for workers to join the trade union.

National level bargaining takes the small enterprise as its yardstick to determine the “ability to pay”. In the larger establishments unions are subsequently sidelined by managerial overbidding of the NEC award. The union’s role seems to be mainly that of watchdog of the implementation of the award. However, when more and more employers are used to the NEC system, and know the full powers of the NEC in enforcing the award, it is likely that few of the larger companies will not heed the agreement. In other words, there will be little opportunity for the watchdog to bark and draw the attention of workers. Left only with the task to negotiate wage agreements trade unions in Zimbabwe will reap little benefits for their participation in the collective bargaining machinery. Focussing almost exclusively on collective bargaining (at the expense of shopfloor mobilisation) bought the trade unions a pig in the poke.

References

- Andræ, Gunilla & Björn Beckman (1999) Union Power in the Nigerian Textile Industry: Labour Regime and Adjustment. Uppsala: Nordiska Afrikainstitutet / Kano: Centre for Research and Documentation.
- Chifamba, Shangwa (1994) “Chifamba Reports to Congress.” Focus: Magazine of the NEC for the Commercial Sectors of Zimbabwe (Harare) (Oct. 1994):13-17.
- Davies, Rob (1988) “The Poverty Datum Line as a Wage Setting Standard.” Unpublished Paper. Harare: Department of Economics, University of Zimbabwe. Mimeo.
- Gaidzanwa, R. B. (1991) “An Organisational Study of Five Trade Unions in Zimbabwe: Final Report.” Harare: Friedrich Ebert Foundation.
- Harris, Peter S.(1973) “The 1973 Amendments to the Industrial Conciliation Act.” Rhodesian Journal of Economics 7, No. 3:159-64.
- Herbst, Jeffrey (1990) State and Politics in Zimbabwe. Harare: University of Zimbabwe Publications.
- ILO - International Labour Organization (1993) Structural Change and Adjustment in Zimbabwe. Interdepartmental Project on Structural Adjustment Occasional Paper 16. Geneva: International Labour Office.
- Kanyenze, Godfrey (1993) “The Impact of Economic Stabilisation on the Wage Structure in Zimbabwe: 1980-90.” D.Phil. Dissertation, Institute of Development Studies, University of Sussex, Brighton, 1993.
- Konings, Piet (2001) “Trade Unions and Democratisation in Africa.” In Trajectoires de libération en Afrique contemporaine, rédigé par Piet Konings, Wim van Binsbergen et Gerti Hersseling, 167-83.Paris: Karthala
- Makanya, Stella; Trust Ngirandi & Freek Schiphorst (1993) “Trade Unions and Workers’ Committees: A Second Report on Research Findings from the 1991/92 Educational Seminars.” Prepared for the ZCTU Policy Workshop, Gweru, 3 November 1993.
- Mitchell, Bruce (1987) “The State and the Workers Movement in Zimbabwe.” South African Labour Bulletin 12, No.6/7:104-122.
- Moyo, Nelson P. (1984) “The State and Industrial Relations.” Social Change and Development 9-10.

- Musarurwa, Albert & Shepard Nzombe (1989) "The Role of Trade Unions: Areas and Methods of Intervention." Paper prepared for a workshop on "Workers' Education Assistance to Promote Workers' Participation in Employment Policies" Project INT/86?M11/ITA. ARLAC, Harare, 13-22 March 1989.
- Peta, Gregory; Gift Chibatwa; Etwell Whanya; Trust Ngirandi & Douglas Phiri (1989) "An Organisational Study of Five Trade Unions in Zimbabwe: An Interim Report." Harare: Friedrich Ebert Foundation. Mimeo.
- Republic of Zimbabwe (1981) Growth with Equity: An Economic Policy Statement. Harare: Government Printer.
- Republic of Zimbabwe (1985) Labour Relations Act 1985. Harare: Government Printer.
- Republic of Zimbabwe (1987) Labour & Economy: Report of the National Trade Unions Survey, Zimbabwe, 1984. Volume I. Harare: Ministry of Labour, Manpower Planning and Social Welfare, Department of Research and Planning.
- Republic of Zimbabwe (1989) The Promotion of Investment: Policy and Regulations, April 1989. Harare: Government Printer/Fidelity Printers.
- Republic of Zimbabwe (1991) Zimbabwe: A Framework for Economic Reform (1991-95). Harare: Government Printer.
- Republic of Zimbabwe (1992) Labour Relations Amendment Bill 1992. Harare: Government Printer.
- Riddell, Roger C. (1981) Report of the Commission of Inquiry into Incomes, Prices and Conditions of Service under the Chairmanship of Roger C. Riddell. Harare: Government Printer.
- Sachikonye, Lloyd (2001) "The Institutional Development of Unions in Zimbabwe." In Striking Back: The Labour Movement and the Post-Colonial State in Zimbabwe 1980-2000, edited by Brain Raftopoulos & Llyod Sachikonye, 89-103. Harare: Weaver Press.
- Sachikonye, Lloyd M. (1995) "State and Social Movements in Zimbabwe." In Democracy, Civil Society and the State: Social Movements in Southern Africa, edited by Lloyd M. Sachikonye, 129-161. Harare: Sapes Books.
- Sangena, Mercy (1986) "Domestic Workers are on the Whole Overworked, Underpaid: Union Taken to Task over Workers' Interests." The Labour Relations Focus (Harare) 3:26.
- Saunders, Richard (2001) "Striking Ahead: Industrial Action and Labour Movement Development in Zimbabwe." In Striking Back: The Labour Movement and the Post-Colonial State in Zimbabwe 1980-2000, edited by Brain Raftopoulos & Llyod Sachikonye, 133-74. Harare: Weaver Press.
- Schiphorst, Freek B. (2001) "Strength and Weakness: The Rise of the Zimbabwe Congress of Trade Unions (ZCTU) and the Development of Labour relations, 1980-1995." PhD. Dissertation, University of Leiden, Leiden.
- Shadur, Mark A. (1994) Labour Relations in a Developing Country: A Case Study on Zimbabwe. Aldershot: Avebury.
- Shifting (1990) "Shifting Alliances: The Case for Free Collective Bargaining." Focus (April/May 1990):14-15.
- Sibanda, Arnold E. (1991) Workers' Participation, Collective Bargaining and Tripartism in the Formulation of Employment Policies in Tanzania, Zambia and Zimbabwe: An Introduction to Comparative Labour Relations. Discussion Paper Series 8. Harare: Zimbabwe Institute of Development Studies.
- Sibanda, Arnold E. (1996) "Workers' Participation and Development Programme: A Report on Research Findings from the 1993, 1994 and 1995 Educational Seminars Surveys Number One. Prepared for the ZCTU General Council Policy Workshop, Jamaica Inn, Bulawayo 24-27 July, 1996. Harare: Zimbabwe Institute of Development Studies, University of Zimbabwe. Mimeo.
- Tsvangirai, Morgan (1990) "Workers' Reflections on the First Decade of Independence." Paper prepared for the ZCTU/EMCOZ/NORAD Joint Conference on the Zimbabwe Development Challenge: Perspectives of the First Decade of Independence, Monomatapa Hotel, Harare, 2-6 April, 1990.
- Zimbabwe Congress of Trade Unions (1981) "Prime Minister addresses trade union congress." ZCTU Inaugural Congress 28th February-1st March, 1981. Great Indaba Hall Monomatapa Hotel, Salisbury, 3rd March. Zimbabwe Congress of Trade Unions 60/81. Mimeo.
- Zimbabwe Congress of Trade Unions (1992) "Summary Report prepared for the Policy Strategy Workshop Based on the Organisational Study Into Five Trade Unions." Harare, January 27-29, 1992.
- Zimbabwe Congress of Trade Unions (1995) "1995 Congress: Strategies for the Labour Movement From 1995 to 2000 and Beyond: Presented for Discussion by Congress." Harare: Zimbabwe Congress of Trade Unions. Mimeo.

THE INSTITUTIONALISATION OF COLLECTIVE BARGAINING IN ZIMBABWE: A PIG IN A POKE FOR TRADE UNIONS?

Freek Schiphorst

Employment & Labour Studies Programme, Institute of Social Studies,
PO Box 29776 – 2502 LT The Hague – The Netherlands
E-mail: schiphor@iss.nl

Short biography

Freek Schiphorst is lecturer in Labour Relations in the Human Resources and Employment Studies Programme at the Institute of Social Studies (ISS) in The Hague. He participated for ten years in a co-operation project between the ISS, the Zimbabwe Congress of Trade Unions and the Federation of Dutch Trade Unions (FNV) in the framework of its APADEP Programme. He obtained his PhD Thesis in 2001 on the rise of the ZCTU and the development of labour relations in Zimbabwe.