

Emthonjeni Women's Forum



# THE ROAD TO AMENDING SECTION 8 OF THE LABOUR ACT ON SEXUAL HARASSMENT

With support from Sigrid Rausing Trust

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# INTRODUCTION

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## About Emthonjeni Women's Forum

Emthonjeni Women's Forum (EWF) was established in May of 2010 and is registered as a Trust to assist in preventive and responsive measures to gender -based violence and in addressing behaviour change gaps for survivors and perpetrators of domestic violence in Zimbabwe. Emthonjeni Women's Forum mandate is to assist women overcome gender-based violence and realise their potential power to overcome all adversity as well as creating a platform where they can share and exchange information on various issues brought about by gender inequalities. EWF also focuses on women's rights, especially women's participation in governance issues at local level.

**Geographical location:** EWF is headquartered in Bulawayo, Zimbabwe. Activities are mainly in the Matabeleland North, South and Bulawayo Provinces and at national level for advocacy engagement

## The aim of the organisation is:

To reduce gender-based violence, specifically domestic violence and dependence of women for economic survival

## The organisation's vision is:

To see a society that is Gender Based Violence free, seeks gender justice and equity, offers equal access to positions of responsibility and full participation in economic development.

## The organisation's mission is:

To provide an opportunity and platform for targeted communities to challenge the behaviours, beliefs and customs that promote Gender Based Violence, inequity and gender injustices.



# Acknowledgements

Emthonjeni Women's Forum (EWF) extends its heartfelt gratitude to the invaluable partners whose unwavering support and collaboration were instrumental in effecting this crucial amendment.

We express our deep appreciation to the funding partners whose generous contributions paved the way for significant advancements. The African Women Development Fund's unwavering support in advocating against sexual harassment within workplace settings and tertiary education merits profound recognition. We are immensely grateful to the Urgent Action Fund - Africa for their pivotal contribution during the public consultations on the petition presented to the Zimbabwean Parliament. Additionally, the indispensable support from the Sigrid Rausing Trust in documenting the journey towards amending Section 8 of the Labour Act deserves sincere commendation.

We also extend our gratitude to our esteemed stakeholders whose unwavering commitment and substantial contributions were instrumental in achieving the positive outcome of the petition. The Zimbabwe Congress of Trade Unions (ZCTU) and its affiliates nationwide, the Women's Coalition of Zimbabwe, and the Parliamentary Portfolio on Public Service Labour and Social of the 9th Parliament played pivotal roles in this transformative journey.

Special acknowledgement also goes out to the EWF Board for its continued support. Special mention goes to the Board Chairperson, Thobekile Matimbe, for her unwavering support and exceptional guidance, in crafting the petition and engaging with the Parliamentary Portfolio.

Last but not least, we extend our profound gratitude to Melissa Ndlovu, the former Programs Manager, and the entire EWF team for their consistent support, endless passion, and tireless commitment demonstrated throughout the petitioning process. Their commitment was pivotal in achieving this remarkable milestone.



## Petition background

This booklet outlines the comprehensive journey undertaken to petition and advocate for the amendment of Section 8 of the Labour Act [Chapter 28:01] specifically to comprehensively addressing sexual harassment in the workplace. The journey toward amending the Act began with Emthonjeni Women's Forum (EWF) submitting a Petition to the Parliament of Zimbabwe in October 2020. This petition called for the Act to comprehensively address sexual harassment in the workplace and to align the Zimbabwe Labour Act to International Labour Organisation Convention 190.

The petition came about when EWF conducted a project titled Speak Out/ Khuluma! End Sexual Harassment Now! advocated for safe workplaces and tertiary institutions free from sexual harassment. It was during this project that a lot of cases of sexual harassment were exposed within the workspace and tertiary institutions. Students on attachment were not spared from this scourge. The situation was exacerbated by an inadequate Labour Relations Act [Chapter 28:01] which defined sexual harassment through inference and did not provide means for calculating the amount of compensation in relation to the harm done; secondly, the remedies did not address the psychological harm experienced by the victim through recourse to rehabilitative services; and lastly, there was no non-retaliation mechanism to protect victim/s and prevent punishing action by the perpetrator and/or his or her sympathizers in the future.

*Please see the annex for a copy of the petition submitted to parliament.*

## Necessity for the Petition:

The petition was a response to the inadequacies and gaps in the existing Labour Relations Act [Chapter 28:01] of Zimbabwe. The Labour Act then did not meet international standards and agreements, including the Convention on the Elimination of Discrimination Against Women (CEDAW), the Southern African Development Community (SADC) Protocol on Gender and Development, and the ILO Violence and Harassment Convention, 2019 (No. 190).

EWf further reiterated that a comprehensive and effective Labour Relations Act should include the following elements:

- **Access to Remedies and Reporting Mechanisms:** The Act should ensure easy access to appropriate and effective remedies, safe reporting mechanisms, and dispute resolution procedures for cases of violence and harassment in the workplace.
- **Protection of Privacy and Confidentiality:** The Act should safeguard the privacy and confidentiality of individuals involved, while also preventing misuse of requirements for privacy.
- **Sanctions and Accountability:** The Act should establish sanctions for cases of violence and harassment in the workplace, holding perpetrators accountable for their actions.
- **Support Measures:** The Act should provide legal, social, medical, and administrative support for complainants and victims.

Additionally, the petition called on Zimbabwe to expedite the ratification of ILO Convention 190, which further address violence and harassment in the world of work.

*" When you look at the constitution, what should be striking are the aspirational provisions before we get to the rights themselves, one of them that is very important when we are looking at the current subject is section 17 that speaks to gender equality and section 24 which is an aspirational provision when we are looking at the right to work. So, section 17 says that women and men should have equal opportunities in all spheres be it social, economical and political. So, when we translate that into section 24 which looks at the right to work, we therefore have this right to work being cemented in section 65 when we look at labour rights. Section 65 is that right that when violated we can go to court.... Because section 65 says everyone has that right to a safe practice and standard when you are in the work place. Thus, the work place must be safe and the practices that are there must not differentiate between men and women. Therefore, the issue of sexual harassment in terms of the constitution is already covered there. While the constitution is the supreme law, there must be pillars, enabling legislation must thus be enacted. Having safe and fair practices must therefore be spelt out in the Labour Act."*



# PARLIAMENTS RESPONSE TO OUR PETITION

**EMTHONJENI WOMENS FORUM** received an alert from the parliament that the petition had been well received and that the parliamentary portfolio on Public Service, Labour and Social Welfare in conjunction with the Ministry of Women Affairs, Community, Small to Medium Enterprise Development would in response to the petition conduct a joint inquiry into concerns raised.

PARLIAMENT OF ZIMBABWE  
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PARLIAMENT OF ZIMBABWE  
Wednesday, 21st April, 2021  
The National Assembly met at a Quarter-past Two O'clock p.m.  
PRAYERS  
(THE HON. SPEAKER in the Chair)  
ANNOUNCEMENTS BY THE HON. SPEAKER  
JOINT INQUIRY INTO THE PETITION RECEIVED FROM EMTHONJENI WOMEN'S FORUM  
THE HON. SPEAKER: I have the following announcement; In terms of Standing Orders No. 22 (4) of the National Assembly, I have to inform the House that on Thursday, 15th April, 2021, the Portfolio Committees on Public Service, Labour and Social Welfare and Women's Affairs, Gender, Community and Small and Medium Enterprises Development resolved to conduct a joint inquiry into the petition received from Emthonjeni Women's Forum on violence and sexual harassment in the workplace.  
INTERPRETATION AND TRANSLATION



*EWF Director Sikhathele Matambo unpacking the Sexual Harassment petition that was submitted to the Parliament of Zimbabwe in October 2020 concerning a Labour Act that should comprehensively address Sexual Harassment in the World of work*

Prior to the public consultations EWF held an engagement with parliamentary portfolio on roadmap of consultations in Harare. This was held in partnership with SAPST and Female Student Network. The parliamentary portfolio was sensitised on the lacuna in the Labour Act. EWF further shared the proposed amendment draft they wished the Parliamentary Portfolio to consider in reviewing the Labour Act.

Draft:

LABOUR (AMENDMENT) BILL, 2020

MEMORANDUM

This Bill will amend the Labour Act [Chapter 28:01], principally:

- (a) to strengthen the current provisions in the Labour Act addressing sexual harassment and the penalties related to it; and
- (b) to address the prevention, elimination and management of sexual harassment that pervades the world of work, guided by the ILO Convention 190 and its recommendations on eliminating and preventing violence and Harassment in the world of work, 2019; the Discrimination (Employment and Occupation) Convention 111 of 1958 (Convention 111) and the ILO Convention 151, relating to Occupational Health and Safety.

In more detail, the individual provisions of the Bill are as follows—

Clause 1

This clause sets out the Bill's short title.

Clause 2

This clause makes addition to the Interpretation section. The start of the provision introduces an actual explicit definition of sexual harassment as opposed to it just being defined as an unfair labour practise under the existing law. In addition, there is the addition of the definition of the "world of work".

Clause 3

Clause 4 seeks to improve the provisions concerning sexual harassment as an identified form of unfair labour practises and provide more specific provisions to this practise and give it the more specific attention it deserves. There is created a need for the State to make codes of good practise with regard to sexual harassment and ensure awareness and dispute regulation mechanisms that are more tenable. In addition, there is guidance on certain issues that the code must be guided by in terms of what constitutes a world of work and who is considered as an employee in the context of sexual harassment.

Draft:

(b) methods of prevention, elimination and management of sexual harassment in the world of work;

- (c) protection of victims measures;
- (d) treatment, care and support;
- (e) privacy and consent;
- (f) programmes training and awareness;

(g) procedures in managing sexual harassment cases, safe, fair and effective reporting and dispute resolution mechanism;

- (h) complaint and investigation procedures
- (g) monitoring and evaluation;

(4) The code of good practise must apply to—

- (a) owners;
- (b) employers;
- (c) managers;
- (d) supervisors;
- (e) workers (including suspended workers);
- (f) workers whose employment has been terminated;
- (g) persons in training, including interns, apprentices and learnerships;
- (h) volunteers;
- (i) job seekers and job applicants;
- (j) clients;
- (k) suppliers;
- (l) contractors; and
- (m) others having dealings with organisation.

(5) The code must also apply to the world of work occurring in the course of, linked with or arising out of work, including but not limited to—

- (a) in the workplace, including public and private spaces where they are a place of work;
- (b) in places where the worker is paid, takes a break or meal or uses sanitary washing and changing facilities;
- (c) during work related trips, travel training, events or social activities;
- (d) through work related communications, including those enabled by information and communication technologies
- (e) in employer provided accommodation;
- (f) when commuting to or from work."

BILL

To provide for the amendment of the Labour Act [Chapter 28:01] and to provide for matters connected with or incidental to the foregoing.

ENACTED by the President and the Parliament of Zimbabwe.

1 Short title

This Act may be cited as the Labour (Amendment) Act, 2020 [Chapter : ]

2 Amendment of section 2 of Cap. 28:01

Section 2 ("Interpretation") of the principal Act is amended—

(a) by the insertion, after the definition of "seasonal work" of the following—

"sexual harassment" means unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature when—

- (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- (b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

(b) by the insertion of the following definition—

"world of work" means a working environment in which persons are in some way or another associated with work and includes persons as reflected in section 8A. The world of work includes spaces that link workers to the workplace through technology."

3 Insertion of new section in Cap. 28:01

Section 8A ("Special provisions relating to sexual harassment") of the principal Act is amended by the insertion of the following—

"Sexual harassment

8A (1) Subject to subsection (3) the Minister must—

- (a) issue any code of good practise; and
- (b) change or replace any code of good practise; and

(2) Any code of good practise, or any changes made to or replacement of a code of good practise must be published in the *Gazette*.

(3) The Code of Good practise must provide employees with information that may assist them in implementation of this section with regard to sexual harassment. The areas covered by the must include—

- (a) the main forms of sexual harassment;

The Parliamentary Portfolio engagement preceded a series of awareness raising across the country. EWF amplified the advocacy issue via social media platforms, through radio engaged the Zimbabwe Congress of Trade Unions (ZCTU) and its affiliates across the country towards a critical mass on the need to amend Section 8 and through radio programmes for support and solidarity. The awareness raising also targeted all workers across the country including those in informal work. The awareness raising was carried out through physical meetings and radio programmes.

### **The awareness platforms contributed towards:**

- The increase in women's knowledge on legislative provisions that address sexual harassment in Zimbabwe as well as the gaps within the provisions.
- Bolstered women's confidence towards participating in the public hearings from a more informed standpoint. This saw women clearly articulating gaps in the Labour Act.
- Strengthening women's agency to participate in public hearings and influencing the amendment of the Labour Act.

## **Radio programs**

The radio programs strengthened community knowledge on issues of sexual harassment and also raised awareness on the scheduled days of the hearings thus mobilising communities to attend the meetings and make relevant input.

We also drafted and proposed a draft amendment premised on the International Labour Organisations Convention 190 to the parliamentary portfolio.



# THE PUBLIC HEARINGS BEGIN

The public hearings commenced in June and EWF attended 8 of the 10 hearings across the country. The responses were overwhelmingly in support for the review of Section 8 of the Labor Relations Act. Below is the schedule for public hearings held across the country.

## TEAM A

DATE	TIME	VENUE	PLACE
31 May	1000-1200 hrs	Rimuka Community Hall	Kadoma
01 June	1000-1200 hrs	Rutenga RDC	Masvingo
	1400-1600 hrs	Mucheke Hall	
	1800-1900 hrs	Hevoi FM	
02 June	1000-1200 hrs	Nyika Training Centre	Nyika Growth Point
03 June	1000-1200 hrs	Moffat Hall	Mutare
04 June	1100-1300 hrs	Dombo Community Hall	Marondera
	1800-1900 hrs	National FM	Harare

## TEAM B

DATE	TIME	VENUE	PLACE
31 May	1130-1300 hrs	Hurungwe RDC Guest House	Magunje
01 June	1030-1230 hrs	Government Complex	Nembudziya, Gokwe
02 June	1400-1600 hrs	Selbourne Hotel	Bulawayo
	1700-1800 hrs	Khulumani FM	
03 June	1030-1230 hrs	Plumtree	Dingumuzi Hall
04 June	1200-1400 hrs	Agape Mission	Nkayi

Below is the link to media coverage before and during the parliamentary portfolio public hearings.

The Breakfast Club with Sizwakele Ndlovu : Melissa Ndlovu - YouTube

<https://skyzmetroradio.co.zw/news/public-hearings-on-sexual-harassment>

[www.tellzim.com/2021/05/public-hearings-on-sexual-harassment-to.html](http://www.tellzim.com/2021/05/public-hearings-on-sexual-harassment-to.html)

<https://veritaszim.net/node/5016>

<https://twitter.com/emthonjeniwomen/status/1396779542690271234?s=24>

# Voices from across the country during the public hearings

“The Labour Act should take into consideration that victims of sexual harassment can suffer significant psychological effects such as anxiety, depression, sleep disorder and low self-esteem, therefore the Act needs to clearly state how the psychological effects will be addressed.”

“The act should ensure that students on attachment are protected as most are failed if they turn down sexual overtures from lecturers”

“we are subjected to sextortion to secure jobs or for promotions, hence the Labour Act should address such issues”

“As students we need an Act that protects us from further victimisation when we report cases of sexual harassment”

“Act should have a confidentiality clause to protect victims of sexual harassment”

“We are also as students advocating for a national framework to address sexual harassment in the world of work and work learning institutions towards creation of an enabling environment that comprehensively responds to sexual harassment.”

“We implore the government to ratify ILO Convention 190 and address sexual harassment issues’ (ZCTU representative)”

“Perpetrators should be sentenced to 10 years and blacklisted from employment.”

“Employers should be liable for sexual harassment.”

“We implore the government to address the psychological effects brought about by sexual harassment.’ (Adult Rape Clinic)”

# Gallery



*Public hearings in Nyika*



*Public Hearings in Bulawyo*



*Public Hearings in Mwenezi*



*Public Hearings in Marondera*



# PARLIAMENTARY PORTFOLIO REPORT ON FINDINGS

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After public consultations were held, a report was presented to parliament leading to its discussion in parliament and cabinet culminating in a cabinet approval for the review of Section 8. The entire parliamentary portfolio report can be found here [NATIONAL\\_ASSEMBLY\\_HANSARD\\_09\\_SEPTEMBER\\_2021\\_VOL\\_47\\_NO\\_83.pdf](#)

## MOTION

REPORT OF THE PORTFOLIO COMMITTEE ON PUBLIC  
SERVICE, LABOUR AND SOCIAL WELFARE AND WOMEN  
AFFAIRS, COMMUNITY, SMALL AND MEDIUM  
ENTERPRISES DEVELOPMENT ON THE PETITION FROM  
EMTHONJENI WOMEN'S FORUM ON SEXUAL HARASSMENT  
IN THE WORK PLACE

HON. E. NCUBE: I move the motion standing in my name; That this House takes note of the report of the Portfolio Committee on Public Service, Labour and Social Welfare and Women Affairs, Community, Small and Medium Enterprises and Development on the petition received from Emthonjeni Women's Forum on sexual harassment in the work place.

HON. TSUURA: I second.

HON. E. NCUBE: Thank you Mr. Speaker Sir. I rise to give a report of the Portfolio Committees on Public Service, Labour and Social Welfare and Women Affairs, Community, Small and Medium Enterprise Development on the petition received from Emthonjeni Women's Forum on sexual harassment in the work place.

## In brief, the parliamentary portfolio recommended:

- The urgent ratification of ILO Convention No. 190 and Recommendation No. 206.
- Domestication of ratified instruments to eliminate violence and sexual harassment in workplaces.
- Amendment of labour law to comprehensively address sexual harassment and provide remedies and reporting mechanisms.
- Enactment of a separate law addressing sexual harassment in all sectors.
- Expansion of Gender Based Violence One-Stop-Centres to handle sexual harassment cases.
- Allocation of resources to police units to handle sexual harassment cases professionally and implementation of measures to eliminate corruption within the police service especially with regards handling of sexual harassment cases

**Chronicle**

# Cabinet approves Labour Act Amendment Bill

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**Legislation.**

“The Bill takes care of emerging issues in the world of work such as labour broking, violence and harassment at the work place and emerging forms of employment relationships with a view to closing the lacuna in the existing legislation thus entrenching fair labour standards contemplated in section 65 of the Constitution,” she said. “Provisions are also made to deal with ‘gender-



**Minister Monica Mutsvangwa**

based violence’ and other cases of violence and harassment at the work place.”

Minister Mutsvangwa said Clause 3 of the Bill outlines the types of work, which shall not be defined as forced labour. “These include the following: any work or service exacted by virtue of compulsory military service laws, any work or service, which forms part of the normal civic obligations voluntarily undertaken by citizens, any work or service exacted from any person as a consequence of a conviction in a court of law and any work or service exacted by a public authority by virtue of any law in cases of emergency,” she said.

“Clause 11 seeks to amend section 18 to align the Labour Act to Section 65(7) of the Constitution to ensure that women employees have the right to fully paid maternity leave for a period of three months by removing qualifying periods, prescribed intervals for maternity and a number of times for enjoying the right to maternity leave under one employer.”

Minister Mutsvangwa said the Bill will go a long way in maintaining balance between guaranteeing employee rights and ensuring productivity in the workplace.

“The issue of dysfunctional fragmentation of unions in the various economic sectors vis-à-vis the right to freedom of association will also be provided for,”

# LABOUR AMENDMENT BILL IS SIGNED INTO LAW!!

Parliament debated amendments to the Labour Bill, leading to parliament passing the Bill on the 8th of June 2023.

Before dissolving the 9th parliament of Zimbabwe, the President of the Republic of Zimbabwe signed the Labour Amendment Bill into law on the 14 of July 2023, marking a historic moment for EWF, women's movement and the workforce at large.

## What Worked?

- *Critical mass from the women's movement and the labour unions.*
- *The Labour Act was undergoing review on promoting ease of doing business principles through streamlining and promoting timely conclusion of processes, particularly the labour dispute settlement and retrenchment processes.*
- *Receptiveness of the Parliament of Zimbabwe towards EWFs petition.*
- *The buy-in from all of our funding partners on the need and relevance of the petition.*
- *The united and dedicated EWF team.*



## Lessons Learnt

- *Strengthening the knowledge of community women, labour movements and students on issues of sexual harassment and legislative provisions of sexual harassment increased their participation in public consultative processes.*
- *Working with different human rights groups towards meaningfully contributing to the crafting of a Labour Act that comprehensively addresses sexual harassment is critical towards bolstering common interests in engaging solution holders on legislative issues.*
- *Directly engaging legislators on legal provisions and gaps in legislative provisions is essential towards effectively advocating for legal report.*

## PARLIAMENT OF ZIMBABWE

## FORM OF PETITION

TO THE HONOURABLE SPEAKER AND MEMBERS OF PARLIAMENT, IN  
PARLIAMENT  
ASSEMBLED

SECOND SESSION – NINTH PARLIAMENT

PRESENTED TO PARLIAMENT ON 19<sup>th</sup> OF OCTOBER 2020



## A-The Petitioner

Emthonjeni Women's Forum (EWF) whose contact details are as follows:

## Physical address

32A G Silundika

Btwn 1<sup>st</sup> and 2<sup>nd</sup> Ave

Bulawayo

Telephone Number: +263 292882429

Website: [www.emthonjeniwf.org.zw](http://www.emthonjeniwf.org.zw)

Email address: ewfdirector@gmail.com

## The Petition of the Undersigned:

Emthonjeni Women's Forum (EWF), headquartered in Bulawayo aims to assist in preventive and responsive measures to gender based violence and addressing behaviour change gaps for survivors and perpetrators of domestic violence in Zimbabwe. Emthonjeni Women's Forum was founded specifically to assist women overcome domestic violence and realise their economic potential as well as creating a platform where they can share and exchange information on various issues brought about by inequalities between men and women. EWF is currently operational in the Matabeleland Region, having also operated in Midlands and Masvingo Provinces. The petitioner is duly registered as a Trust

We, the EWF, whose funding method is donor funds from various organizations.

**RESPECTFULLY** show that we are an organization operating and registered legally in Zimbabwe

**TAKING NOTE** that every citizen of Zimbabwe has the right to petition Parliament to consider any matter within its authority, including the enactment and amendment of legislation as set out in section 149 (1) of the *Constitution of Zimbabwe, 2013* (the Constitution).

**CONSCIOUS** that Parliament of Zimbabwe has the power to ensure that the provisions of the Constitution are upheld at all times and that all institutions of government at every level act constitutionally and in the national interest as provided by section 119 (2) of the Constitution.

**COGNISANT** of the fact that the current *Labour Relations Act [Chapter 28:01]* does not meet the expected standard of operation in line with *Convention on the Elimination of Discrimination Against Women (CEDAW)* Article 11(1), *Southern Development Community (SADC) Protocol on*

*Gender and Development*, Article 22, and ILOEnd GBV Framework (Violence and Harassment Convention, 2019 (No. 190))

**APPRECIATING** that Sections 52 and 53 of the Constitution of Zimbabwe guarantees every citizen of Zimbabwe the right to bodily and psychological integrity as well as personal security and freedom from degrading treatment.

**SERIOUSLY CONCERNED** about inadequate provisions of the Labour Relations Act which firstly, define sexual harassment through inference and do not provide means for calculating the amount of compensation in relation to the harm done and secondly, do not provide remedies which address the psychological harm experienced by the victim through recourse to rehabilitative services.

**AND LONGING** for a Labour Relations Act that adequately addresses violence and harassment in the world of work by the following: (a) ensuring easy access to appropriate and effective remedies and safe, fair and effective reporting and dispute resolution mechanisms and procedures in cases of violence and harassment in the world of work, such as: (a-i) complaint and investigation procedures, as well as, where appropriate, providing dispute resolution mechanisms at the workplace level; (a-ii) dispute resolution mechanisms external to the workplace; (a-iii) courts or tribunals; (a-iv) protection against victimization of or retaliation against complainants, victims, witnesses and whistle-blowers; and (a-v) legal, social, medical and administrative support measures for complainants and victims; (b) protect the privacy of those individuals involved and confidentiality, to the extent possible and as appropriate, and ensure that requirements for privacy and confidentiality are not misused; (c) provide for sanctions, where appropriate, in cases of violence and harassment in the world of work.<sup>1</sup>

**NOW THEREFORE** we urge the Parliament of Zimbabwe to amend the Labour Relations Act [Chapter 28:01] towards comprehensively and adequately addressing sexual harassment in the world of work and holding the Executive to account on delays in the Ratification of ILO Convention 190.

## THE PETITIONER'S PRAYER

The Petitioner urges the Parliament of Zimbabwe to cure the lacuna in Labour Relations Act by amending it to align with the spirit of Section 51, 52, 53 & 80 [of the Constitution that recognizes the personal security and dignity of all persons in the Labour sector. The Parliament of Zimbabwe should address this by ensuring that Section 8 of the Act adequately addresses sexual harassment in a manner that is comprehensive.

<sup>1</sup> Article 10 of the ILO Violence and Harassment Convention, 2019 (No. 190)

## BACKGROUND

The 2013 Constitution of Zimbabwe in Sections 51,52 and 80 put in place provisions which guarantee the right to personal security which encompasses the right to bodily and psychological integrity as well as the enjoyment of inherent dignity in both public and private life. While Zimbabwe has a Labour Relations Act (Chapter 28:1), critical issues to human dignity and personal security are not adequately addressed. Noting that Sexual Harassment is defined by the Act through inference and does not adequately define and describe what violence and sexual harassment is and how it should be addressed in the world of work. Resultantly, we plea and pray that the august house urgently moves towards amending the Labour Relations Act so that workers in their diversity are adequately protected from all forms of sexual harassment in the world place.

## Petitioners' Plea and Prayer:

THUS, the petitioners appeal to this Parliament is to:

1. Exercise its full powers as provided for by the Constitution of Zimbabwe to Amend the Labour Relation Act [Chapter 28:01] to adequately define and describe what is violence and sexual harassment and also address violence and harassment in the world of work.
2. Ensure that the Labour Relations Act[Chapter 28:01] ensures easy access to appropriate and effective remedies and safe, fair, and effective reporting and dispute resolution mechanisms and procedures in cases of violence and harassment in the world of work
3. Ensure that the Labour Relation Act [Chapter 28:01] captures appropriate dispute resolution mechanisms at the workplace level as well as dispute resolution mechanisms external to the workplace.
4. Ensure the Labour Relations Act [Chapter 28:01] to protect against victimization of or retaliation against complainants, victims, witnesses, and whistle-blowers.
5. Ensure the Labour Relations Act [Chapter 28:01] protects the privacy of those individuals involved and ensure confidentiality, to the extent possible and as appropriate, and ensure that requirements for privacy and confidentiality are not misused.
6. Ensure that the Labour Relations Act [Chapter 28:01] provides for sanctions, where effective remedies are put in place to ensure perpetrators are held accountable.
7. Encourage the executive to ratify the ILO Convention 190.

WHEREFORE we pray that the Honorable House will be pleased to take this case into favorable consideration and grant the relief sought in terms of the Petitioners plea above.

AND your petitioners, as in duty bound, will ever pray.



## REPORT

### OF THE PORTFOLIO COMMITTEES ON PUBLIC SERVICE, LABOUR AND SOCIAL WELFARE; AND WOMEN AFFAIRS, COMMUNITY, SMALL AND MEDIUM ENTERPRISES DEVELOPMENT

#### ON

#### THE PETITION RECEIVED FROM EMTTHONJENI WOMEN'S FORUM ON SEXUAL HARASSMENT IN THE WORK PLACE

THIRD SESSION - NINTH PARLIAMENT

AUGUST 2021

S.C. 29, 2021

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#### 1.0 INTRODUCTION

Sexual harassment has become a major issue of concern affecting the work place, public, private and other spaces. Pursuant to Section 149 of the Constitution, the Portfolio Committees on Public Service, Labour and Social Welfare; and Women Affairs Community, Small and Medium Enterprises Development received a petition from Emthongjeni Women's Forum imploring Parliament to comprehensively address the issue of sexual harassment in the work place. In particular, the petitioners beseeched Parliament to review the Labour Act [Chapter 28:01] in order to strengthen provisions to curb violence and sexual harassment in the work place. The petitioners noted that Section 8 of the Labour Act defines sexual harassment through inference, categorising it as an unfair labour practice which is inappropriate considering its adverse and usually life altering impacts on victims psychologically, socially and economically. Additionally, the petitioners highlighted that the Act lacks provisions for compensation of victims in relation to the harm suffered and remedies which address the psychological effects through recourse to rehabilitative services. The petitioners also called for the ratification of the International Labour Organisation Convention No. 190 on the Elimination of Violence and Harassment in the World of Work.

#### 2.0 OBJECTIVES

The objectives of the inquiry were to:

- ❖ ascertain the prevalence of sexual harassment in the country and its impact on victims;
- ❖ assess the available framework and processes of securing redress;
- ❖ solicit stakeholder views on whether the Labour Act and other laws adequately address issues of sexual harassment in the work place and other spaces; and
- ❖ come up with recommendations which address the relief sought by the petitioners.

#### 3.0 METHODOLOGY

The Committees undertook the following activities as part of the inquiry:

3.1 They attended a capacity building workshop organized by Parliament in collaboration with the Southern African Parliamentary Support Trust to unpack the concept of sexual harassment and the petition received from Emthongjeni Women's Forum. Apart from members of the two Portfolio

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#### ORDERED IN TERMS OF STANDING ORDER NO. 17:

- (1) At the commencement of every session, there shall be as many Committees to be designated according to government policy as the Standing Rules and Orders Committee may deem fit.
- (2) Each select committee shall be known by the portfolio determined for it by the Standing Rules and Orders Committee.

#### TERMS OF REFERENCE OF PORTFOLIO COMMITTEES

#### STANDING ORDER NO. 20

Subject to these Standing Orders, a portfolio committee shall-

- a) examine expenditure administration and policy of government departments and other matters falling under their jurisdictions as Parliament may, by resolution determine.
- b) consider and deal with all bills other than a Constitutional Bill, and statutory instruments or other matters which are referred to it by or under resolution of the House or by the Speaker;
- c) consider or deal with an appropriation or money bill or any aspect of an appropriation or money bill referred to it by these Standing Orders or by or under a resolution of this House;
- d) monitor, investigate, inquire into and make recommendations relating to any aspect of the legislative programme, budget, policy or any other matter it may consider relevant to the government department falling within the category of affairs assigned to it, and may for that purpose consult and liaise with such department; and
- e) consider or deal with all international treaties, conventions and agreements relevant to it, which are from time to time negotiated, entered into or agreed upon.

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Committees, the workshop was attended by Emthongjeni Women's Forum and the Female Students Network.

3.2 They received oral evidence from the Minister of Public Service, Labour and Social Welfare.

3.3 They conducted public hearings from 31 May to 4 June 2021 as follows:

DATE	PROVINCE	LOCATION
31 May 2021	Mashonaland West	Rimuka Community Hall, Kadoma Hurungwe Rural District Council Guest House
1 June 2021	Masvingo	Rutenga-Mwenezi Rural District Council Offices Mucheke Community Hall, Masvingo
	Midlands	Gokwe-Nembudziya
2 June 2021	Masvingo	Nyika Growth Point – Training Centre
	Bulawayo	Selbourne Hotel, Bulawayo
3 June 2021	Manicaland	Moffat Hall, Mutare Diamond FM Radio Station
	Matabeleland South	Dingumuzi Hall, Plumtree
4 June 2021	Mashonaland East	Mbuya Nehanda Hall, Marondera
	Harare	National FM Radio Station
	Matabeleland North	Agape Mission, Nikayi

The public hearings attracted high attendance by a cross-section of members of the society including; church leaders, village heads, workers unions, university students, civil society organisations, ordinary men and women, amongst other groups.

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children. Women in business also experienced sexual harassment when seeking government tenders. In June 2020 the Public Service Commission (PSL) secretary, reported to the Portfolio Committee on Women Affairs, Community, Small and Medium Enterprises Development that 19 cases of sexual harassment in government ministries had been recorded since 2019 and that 10 of them had emanated from the Ministry of Primary and Secondary Education. The Committees were also informed that sexual harassment was rampant at universities and colleges where women were abused to secure better grades or by “semester husbands” who ask for sexual favours in exchange for upkeep.

Sexual Harassment, also referred to as ‘sextortion’ is a form of corruption or extortion and is a global phenomenon that causes serious harm, robbing women of dignity and opportunity, and undermining confidence in public institutions and other spheres of life. It apparently appears that sex is a ‘currency’ in many corrupt deals in Zimbabwe. Sexual harassment seem to have been institutionalized, and women have been suffering in silence for a long time. Thus, the need to effectively deal with sexual harassment in its various forms across sectors.

The supreme law of the country, the Constitution of Zimbabwe No. 20 of 2013, does not expressly provide for the right to be protected against sexual harassment, although there are provisions which can be relied upon to protect women against this vice. These include section 3 (f) on equality of all human beings; section 3(g) on gender equality; section 11 on fostering of fundamental rights and freedoms; section 13 on national development; section 14 on empowerment and employment creation; section 17 on gender equality; and section 24 on work and labour relations. Sexual harassment is a human rights issue and the following sections of the Constitution are pertinent in this regard: section 51 on right to human right dignity; section 52 on the right to personal security; section 53 on freedom from torture or cruel and inhuman degrading treatment or punishment; section 54 on freedom from slavery and servitude; section 56 on equality and non-discrimination; section 65 (4) on labour rights and satisfactory conditions of work; and section 80 on the rights of women.

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## 5.0 ORAL EVIDENCE FROM THE MINISTRY OF PUBLIC SERVICE, LABOUR AND SOCIAL WELFARE

Hon. Prof. P. Mavima, the Minister of Public Service, Labour and Social Welfare assured the Committees of the government’s commitment to ending violence and sexual harassment as evidenced by signing the ILO Convention 190 on the Elimination of Violence and Sexual Harassment of 2019. Other initiatives included the drafting a Sexual Harassment Policy for the Civil Service by the Public Service Commission and conducting sensitisation meetings on ending sexual harassment which had been held in November 2020.

In response to the appeal by Emthonjeni Women’s Forum for the government to amend the Labour Act so as to amplify provisions to curb sexual harassment in the work place, the Minister indicated that the Ministry’s position was that the Constitution and Section 8 of the Labour Act adequately address issues of violence and sexual harassment in the work place. In addition, he explained that as a Minister his jurisdiction was limited to regulating sexual harassment in the work place. He further highlighted that the government had opted to domesticate the ILO Convention 190 before ratification in order to avoid the intricacies of reporting and supervision associated with that move. However, he highlighted that the Ministry was amenable to the enactment of a statutory instrument which was informed by the ILO Convention 190.

## 6.0 PUBLIC HEARINGS AND WRITTEN SUBMISSIONS

In its inquiry, the joint Committees focused on the following key areas: prevalence and impact of sexual harassment, legal provisions on sexual harassment, handling of sexual harassment reports.

### 6.1 Prevalence and Impact of Sexual Harassment

The joint Committees were informed that cases of sexual harassment were very prevalent in work places, colleges, universities, churches, informal sector, public spaces such as bus termini, on-line platforms and social media. Examples of forms of sexual harassment that were highlighted to the joint Committees include; sexist comments by touts at bus stations, sex for food relief and or during distribution of agricultural inputs, “a thigh for a pass” at colleges. It was also mentioned several times to the joint Committees that women experience inappropriate forms of touch or conduct in bus queues and by police when they evacuate informal traders in cities and at growth points. The

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3.4 The Committees analysed written submissions received from stakeholders including the Women’s Coalition of Zimbabwe, Zimbabwe Congress of Trade Unions, Women’s Academy for Leadership and individual persons.

## 4.0 BACKGROUND

The International Labour Organisation (ILO) defines sexual harassment as “a sex-based behaviour that is unwelcome and offensive to its recipient.” Sexual harassment usually takes two forms, namely; *quid pro quo* when a job benefit such as a pay rise, promotion, or even continued employment is made conditional on the victim acceding to demands to engage in sexual behaviour and a hostile working environment in which the conduct creates conditions that are intimidating or humiliating for the victim. Behaviour that qualifies as sexual harassment include:

- ❖ **Physical** - physical violence, touching, unnecessary close proximity.
- ❖ **Verbal** - comments and questions about appearance, life-style, sexual orientation, offensive phone calls.
- ❖ **Non-verbal** - whistling, sexually-suggestive gestures, display of sexual materials such as pornography.
- ❖ **Cyber harassment** – through text messages or internet-based platforms such as WhatsApp and Facebook.

Sexual harassment “pollutes” the working environment and can have devastating effects on the health, confidence, morale and performance of individuals affected by it. The anxiety and stress caused by sexual harassment commonly leads to loss of production time as victims take time off work due to sickness and become less efficient. In some instances, employees even opt to resign which adversely affect their livelihoods.

Transparency International Zimbabwe (TIZ) is a leading voice on highlighting issues of sexual harassment in Zimbabwe through its reports on incidences of sexual harassment in the public sector, colleges and universities. According to the TIZ Report on Gender and Corruption in Zimbabwe of 2019, the country recorded an unprecedented number of reports by women being forced to exchange sex for employment or business favours during that particular year. More than 57 percent of 1 680 women surveyed in the report indicated they had been forced to offer sexual favours in exchange for jobs, medical care and even when seeking placements at schools for their

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joint Committees were dismayed to receive submissions indicating that, invariably, women and girls constitute the majority victims of sexual harassment although men and the boy child at times experienced the same. Widows and women in politics were particularly identified as highly vulnerable to sexual harassment. The joint Committees also learnt that victims of sexual harassment range from female and male students and workers, including people living with disabilities, some of whom were unable to communicate their ordeal.

Members of the public attested that sexual harassment was deeply rooted in local cultural practices such as “chiramu” according to which it was permissible in some relationships such as between a wife and her husband’s younger brother or a man and his wife’s younger sister. Additionally, excessive poverty and the high unemployment rate in the country which increased vulnerability levels, particularly amongst women were put forward as key drivers of sexual harassment. Furthermore, members of the public noted that sexual harassment thrived due to ignorance as to which acts constituted the vice. The use of electronic gadgets by learners as required by the new educational curriculum also enabled youngsters to access pornographic material through the internet.

The Committees learnt that sexual harassment could have long term effects on victims and their families, for instance when an individual contracted sexually transmitted infections such as HIV and AIDS. It was also highlighted that victims suffered psychological trauma which could affect their productivity in schools and work places. In extreme cases sexual harassment could lead victims to commit suicide.

### 6.2 Legal provisions on sexual harassment

The joint Committees were informed that although the Constitution protects the rights of women, the challenge is that the Constitution does not expressly provide for the right to be protected against sexual harassment. Relevant sections of the Constitution that protect women rights mentioned during public hearing include section 3 (f); 3(g); section 14; section 17; section 24; section 51; section 52 and section 80.

Members of the public and stakeholder organisations reiterated that the Labour Act does not provide a comprehensive definition of sexual harassment. It was noted that the Act narrowly defined sexual harassment as an unfair labour practice towards any employee, whether verbal or

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otherwise, such as making physical contact or advances, sexually coloured remarks, or displaying pornographic materials in the workplace. The joint Committees were further informed that the Labour Act neither provides for compensation to the victim nor state how the compensation is computed. Additionally, the other remedy available under the Labour Act was cessation but there were concerns that it does not address the injury caused or trauma the victim maybe experiencing. Stakeholders also complained that the Act lacks mechanisms to protect the victim or whistleblower against retribution from the perpetrator and their sympathizers who may still be in authority. It was further reported that the Labour Act fails to provide any counselling for the victim of sexual harassment. In addition, the joint Committee noted with concern that although the Act had provisions on remedies, the number of registered cases of victims seeking compensation or criminal sanction was very low.

In the same vein, submissions were made to the joint Committee on the provisions of Public Service Act [Chapter 16:04] and the Public Service Regulations of 2000, pertaining to sexual harassment. Concerns were raised that these regulations recognise sexual harassment as an act of misconduct under the First Schedule. Furthermore, stakeholders bemoaned that the Regulations do not list or outline actual types of behaviour which may be included in the category of conduct that constitute sexual harassment. Additionally, it was noted that the Public Service Act was yet to be aligned with the Constitution.

The Criminal Law (Codification and Reform) Act [Chapter 9:23] also partially address the issue of sexual harassment. Section 67(1) stipulates that indecent assault is committed where “a male commits upon a female person any act involving physical conduct that would be regarded by a reasonable person to be an indecent act...” Stakeholders noted that this provision only offers protection against sexual harassment involving physical conduct and excludes other forms such as verbal and cyber.

### 6.3 Handling of sexual harassment reports

Throughout the public hearing meetings, the joint Committees consistently received complaints relating to how cases of sexual harassment were being handled, and quality of care given to the victims, both at crime scenes, work places and by the Police after a formal report is made. The joint Committee was dismayed to learn that both workplace management and the Police treat victims of sexual harassment with some degree of “undue skepticism”. In extreme cases, Police

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address sexual harassment issues in the world of work as these narrowly define sexual harassment, do not provide protection and remedies for victims.

**7.3** The government signed the ILO Convention No. 190 and Recommendation No. 206 on the Elimination of Violence and Harassment in the World of Work in 2019 and these instruments are still pending ratification by Parliament in terms of Section 327 of the Constitution. These instruments are key for the elimination of violence and sexual harassment in the work place. The Convention recognizes that violence and harassment in the world of work, and other spaces, constitute a human rights violation or abuse, is a threat to equal opportunities, unacceptable and incompatible with decent work. Additionally, the Convention acknowledges that violence and sexual harassment affects a person’s psychological, physical and sexual health, dignity, and family and social environment, and also affects the quality of public and private services, prevent persons, particularly women, from accessing and advancing in the labour market. Furthermore, the Convention and Recommendation call upon State Parties to adopt a comprehensive strategy in order to implement measures to prevent and combat violence and harassment, strengthen enforcement and monitoring mechanisms, ensuring access to remedies and support for victims, and also providing for sanctions for offenders.

**7.4** As duty bearers, the Police have been found wanting in terms of ensuring that perpetrators of sexual harassment and other related cases are prosecuted. There is a general perception that Police Officers lack the know-how to handle such cases and the requisite resources to enable them to effectively execute their duties, including vehicles and an adequate number of Officers manning the Victim Friendly Unit. Corrupt tendencies have also been noted to be a serious challenge undermining service delivery by the Police Service.

## 8.0 RECOMMENDATIONS

### 8.1 Ratification of ILO Convention No. 190 and Recommendation No. 206

The Minister of Public Service, Labour and Social Welfare should urgently submit a motion to Parliament seeking ratification of the ILO Convention No. 190 and Recommendation No. 206 in terms of section 327 of the Constitution by 30 August 2021.

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Officers were allegedly dissuading victims from proceeding with prosecution or mocked them in front of onlookers at the front office. The Police were said to always encourage victims of sexual harassment and or other sexual offences to sign a withdrawal or “Victim Waiver,” which absolved the police from responsibility of investigating the crime. Withdrawal of cases was reported to be rampant even at courts. As a result of the poor handling of complainants, the joint Committee learnt that a lot of cases of sexual harassment were not being reported because of fear that management or law enforcement agents would not handle them properly. Submissions made also reflected that there was nothing done at work places to ensure post-investigation and comfort for the victim. Even in cases where harassment was found to have occurred, no measures were being taken to create a conducive work environment free of sexual harassment. Given that sexual harassment is primarily viewed as a form of misconduct, the victim and harasser often continue to work together or the latter is just transferred to another school or government department. It was the conclusion of the joint Committees that given that scenario, the overwhelming majority of people who experience sexual harassment never file formal charges, and of the few who do, only a small percentage of such cases reach the courts. Submissions made to the joint Committee indicated that court proceedings, for those cases that made it to prosecution stage, were often long drawn out and protracted for months, which compounds the victim’s trauma.

## 7.0 OBSERVATIONS

**7.1** Sexual harassment affects both males and females in Zimbabwe regardless of social standing, age or location. However, there is a general lack of awareness of the exact acts that constitute sexual harassment. Some members of the public confused sexual harassment with rape and other sexual offences.

**7.2** Sexual harassment is currently an under-regulated issue which is rampant in the work place, informal sector, political spaces, tertiary institutions and society at large. While sexual harassment is regulated by various pieces of legislation such as the Labour Act, Public Service Act and the Criminal Law (Codification and Reform) Act, all fall short of fully addressing sexual harassment in its various forms. The Labour Act and Public Service Act regulate employment relationships in the private formal sector and civil service respectively, leaving out the informal sector which accounts for about 95 percent of employment in Zimbabwe. Moreover, the Acts inadequately

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### 8.2 Domestication of ILO Convention No. 190 and Recommendation No. 206

Once Parliament approves the ILO Convention No. 190 and Recommendation No. 206, the Minister of Public Service, Labour and Social Welfare and relevant government departments should immediately endeavour to domesticate the instruments in order to facilitate the effective elimination of violence and sexual harassment in the work place by 31 March 2022.

### 8.3 Amendment of the country’s labour laws

The Ministry of Public Service, Labour and Social Welfare should submit a bill to Parliament amending the Labour Act [Chapter 28:01] and Public Service [Chapter 16:04] Act by 31 October 2021. Apart from aligning the mentioned Acts to the Constitution, the bill should amongst other key issues; criminalise sexual harassment, define sexual harassment comprehensively, ensure easy access to appropriate and effective remedies and safe, fair, and effective reporting and dispute resolution mechanisms and procedures, including transferring reported case to police for further investigation, arrests and trial of offenders. In addition, the bill should guarantee the privacy and confidentiality and provide protection mechanisms for complainants against victimization or retaliation, witnesses and whistle blowers. Furthermore, it should provide legal, psycho-social, medical and administrative support measures for complainants. Enactment of the above mentioned law should be followed by public awareness campaigns by the Ministry to ensure that workers and other stakeholders know their rights.

### 8.4 Enactment of a distinct law on sexual harassment

The Ministry of Women Affairs, Gender, Community, Small and Medium Enterprises Development should urgently draft and submit a stand-alone and all-inclusive Sexual Harassment Bill to Parliament by 31 January 2022. This Bill should address all forms of sexual harassment occurring in various sectors including: the education sector, formal and informal world of work, public, churches, and social spaces, private and political spaces. The proposed Bill should particularly provide for a broad and clear definition of sexual harassment. In line with section 3.4 of the United Nations Handbook (2020), the bill should criminalize sexual harassment, outline clear punitive measures for perpetrators of both light and grave offenses, including effecting mandatory imprisonment of offenders. The bill should also make it mandatory for all organisations including political parties to establish anti-sexual harassment policies as part of their codes of

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conduct. This will go a long way in protecting women political candidates from sexual harassment, assault and rape during elections. It is further strongly recommended that anyone convicted of sexual offenses should be barred from contesting for public positions. Finally, the proposed Bill should set out clear rules regarding media coverage of sexual harassment, and other sexual offenses, pertaining identity of the victims and use of sexist language whose effect exposes and aggravates the victim's trauma. Once the Bill is passed into law, the Ministry of Women Affairs, Community and Small and Medium Enterprises Development should conduct extensive public awareness campaigns on the Act and sexual harassment in general.

#### **8.5 Gender Based Violence One Stop Centres to deal with sexual harassment cases**

The Ministry of Women Affairs, Community and Small and Medium Enterprises Development should extent the mandate of the Gender Based Violence One Stop Centres to dealing with sexual harassment cases. In collaboration with the Ministry of Finance and Economic Development and other relevant government departments, the Ministry of Women Affairs, Community and Small and Medium Enterprises Development should ensure the availability of adequate human and material resources at all times and decentralize the One Stop Centres to district level by 31 August 2022.

#### **8.6 Provision of adequate resources to the Police Service**

The Ministry of Finance and Economic Development should allocate adequate financial resources to the Ministry of Home Affairs and Cultural Heritage through the 2022 National Budget, in particular for purchasing vehicles and ensuring that Victim Friendly Units (VFUs) at all police stations across the country have enough material and human resources at all times. Financial resources should also be availed for training all Police Officers on handling sexual harassment and related cases. This will enable investigating officers to offer professional services to victims reporting cases of sexual harassment in a conducive environment and facilitate gathering the necessary evidence for logical conclusion of cases.

#### **8.7 Ending corruption in the Police Service**

The Ministry of Home Affairs and Cultural Heritage should implement stern measures to stamp-out corruption and restore public confidence in the Police Service, particularly in the handling of cases by 30 September 2021.

## **9.0 CONCLUSION**

In view of the high prevalence of cases of sexual harassment in both the formal world of work, informal sector, private and public spaces, the proposed Sexual Harassment Bill provides a historic opportunity for Parliament and the government in general to curb sexual harassment in the country. The findings of the joint Committees clearly indicate that a stand-alone Act of Parliament that criminalizes sexual harassment and also codifies all other relevant provisions existing in other pieces of legislation is long overdue.

# LABOUR AMENDMENT ACT NO 11 OF 2023

## EXCERPTS RELATED TO VIOLENCE AND HARASSMENT

### 2. Amendment of section 2 of Cap. 28:01

This section amends Section 2 of the Labour Act by adding definitions related to "gender-based violence and harassment" and "violence and harassment."

### 4. Amendment of section 5 of Cap. 28:01

This section amends Section 5, which relates to the protection of employees against discrimination. It removes subsection 2a and emphasizes that employers must provide equal remuneration to male and female employees for work of equal value without discrimination based on sex or gender.

### 5. Amendment of section 6 of Cap. 28:01

This section amends Section 6, which focuses on the protection of employees' rights to fair labour standards. It introduces provisions to prevent violence and harassment in the workplace. It specifies that no person should engage in actions amounting to violence and harassment towards others at the workplace and outlines various situations where these actions may occur. Penalties for contravention are also mentioned.

### 6. Amendment of section 8 of Cap. 28:01

this section amends Section 8, which deals with unfair labour practices by employers. It adds a provision stating that any employer engaging in actions prohibited in Section 6(3), (4), or (5) is also subject to penalties.

The journey to amend Section 8 of the Labour Act serves as a testament to the collaborative efforts of various stakeholders, including Emthonjeni Women's Forum, Parliamentary Committees, Government, Business, and Labour. This process highlights the commitment to promoting fair and safe labour practices and standards, aligning with constitutional provisions and international conventions. The enacted amendments reflect a concerted effort to create a more inclusive and just working environment for all.

*For access to the full documents, including the petition, details of the National Assembly sitting, the Labour Amendment Bill, and the Labour Amendment Act, please visit our website at [emthonjeni.org/publication](http://emthonjeni.org/publication)*



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